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At the present Meeting of the Institute of Chartered Accountants the following remarks were made in the course of a speech by a Fellow of the Society of Accountants and Auditors Incorporated on the important question of the responsibilities of Auditors: "It was undoubtedly very necessary that ships should be placed at their proper valuation, but an auditor should not attempt to value them, and it would be much better to have a certificate from a competent firm like Messrs. C. W. Kellock & Co."

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CURRENT TOPICS.

IN CONSEQUENCE of the illness of Lord Justice KAY it is found impossible to form a court of three judges for Court of Appeal No. 2, and the number of interlocutory appeals being limited, there is a possibility that this branch of the Court of Appeal may be brought to a standstill. On Thursday last this division of the Court of Appeal had disposed of its daily paper before one o'clock.

A GRUMBLER would find little to say against the appointment of Mr. LOCKWOOD, Q.C., M.P., as the new Solicitor-General. His standing and experience are such as to qualify him for the office; he is as good a lawyer as some of his predecessors, and, as we are everywhere told in the daily press, he is personally very popular. Solicitors will be glad to remember that the new Solicitor-General declared his opinion, about a month ago, that careful inquiry should be made before embarking on compulsory registration of title to land.

A COMPARISON of the cause lists for the Michaelmas Sittings, 1893, with those for the same sittings in this year shows that in this year there is a considerable diminution in the number of cases for hearing, as is distinctly shown by the following table:—

	1893	1894
Appeals	120	120
Chancery Lists	524	443
Queen's Bench Lists	1,100	808
Probate, &c., Lists	374	280
Totals	2,127	1,651

THE JUDGES of the Chancery Division are adopting the plan of hearing witness actions which has been found so convenient and successful in previous sittings. On Tuesday, the 30th inst., Mr. Justice KEKEWICH will commence his fortnight, lasting until the 10th of November, with the exception of Monday, the 5th of November, and during that time his motions and unopposed petitions will be heard by Mr. Justice STIRLING on Thursdays and Saturdays. Mr. Justice CHITTY will hear witness actions from Tuesday, the 13th of November, until Saturday, the 24th of November, on every day except Monday, the 19th of November, and Mr. Justice NORTH will during that period hear the motions and unopposed petitions of Mr. Justice CHITTY on Thursdays and Saturdays. Mr. Justice NORTH will hear witness actions from Tuesday, the 27th of November, to Saturday, the 8th of December, on every day except Monday, the 3rd of December, and his motions and unopposed petitions will during that period be taken by Mr. Justice CHITTY. Mr. Justice STIRLING will hear witness actions from Tuesday, the 4th of December, to Saturday, the 15th of December, on every day except Monday, the 10th of December, and during that period his motions and unopposed petitions will be heard by Mr. Justice KEKEWICH. Notwithstanding these arrangements, each of the judges will, in the absence of sufficient interlocutory business and non-witness actions, take witness actions on days other than those specially appointed.

ON WEDNESDAY a question as to the operation of section 1 of the Supreme Court of Judicature (Procedure) Act, 1894,

was raised in Court of Appeal No. 2 in the case of *Boyd v. Bischoffsheim*. Section 1 provides that, except in certain specified cases, "no appeal shall lie, without the leave of the judge or of the Court of Appeal, from any interlocutory order or interlocutory judgment made or given by a judge." Section 52 of the Judicature Act, 1873, provides that "in any cause or matter pending before the Court of Appeal, any direction incidental thereto, not involving the decision of the appeal, may be given by a single judge of the Court of Appeal; and a single judge of the Court of Appeal may at any time during vacation make any interim order to prevent prejudice to the claims of any parties pending an appeal as he may think fit; but every such order made by a single judge may be discharged or varied by the Court of Appeal." In *Boyd v. Bischoffsheim* an order for security for the costs of an appeal was made by Lord Russell, C.J., during the recent Long Vacation, and an original motion to discharge or vary this order was made in the Court of Appeal. LINDLEY, L.J., at first intimated a doubt whether section 1 of the Act of 1894 was not now a bar to such an application made without leave. But on further consideration his lordship said that he thought section 1 did not affect the procedure under section 52. Orders in vacation have, we believe, very rarely been made by a judge of the Court of Appeal (acting as such), but when they are made, it certainly appears desirable that they should, as a matter of course, be subject to review by the court itself.

SAVE FOR the unwonted presence of the Lord Chief Justice of England, there was nothing remarkable in the annual procession of judges on Wednesday. There had been no new hirsute developments during the vacation to startle the onlookers and make them wonder how a bandit could have found his way into the judicial robes. There was a scarcity of judges, and although the silver oar duly played its part, the learned judge who (metaphorically) paddles it was absent. It appeared that no symbol had even yet been devised for the Divorce Division, in spite of all the efforts of our correspondents last year. But although there was nothing very unusual in the judicial procession, there would seem, if the admirable writer who describes in the *Times* the Lord Chancellor's breakfast is to be credited, a considerable novelty at that ceremony. The President of the "Matrimony" Court is stated to have been one of the guests, and it has been suggested that this new court is probably one of the branches of the Commercial Court which the judges of the Queen's Bench Division were to meet on Wednesday to consider. The procedure of the new court, it is further suggested, is capable of great simplicity. Suitors in person deliver to the registrar a statement of claim to the affections of —. The opposite side files a rejoinder, and thereupon the issue is ready for trial; but either party is to be at liberty to apply for security, by way of settlement, for the costs of matrimonial life. It is true that the President of this "Matrimony" Court has not yet made his appearance in public life, but this is explained as being the result of caution; the rush of suitors is expected to be so great that it would be unwise to make the sittings of the court known by means of the daily cause list. But that the President of the "Matrimony" Court actually exists cannot surely be doubted; the *Times* reporter affirms that he was present at the Chancellor's breakfast.

IN A RECENT letter to the *Times* Mr. FREDERICK G. FITCH made the suggestion that the true mode of reforming conveyancing was to let only the legal estate in freehold and leasehold property be made the subject of title, leaving the equitable interest to be protected by a system of distringas under the control of the Central Office. A subsequent letter with the well-known initials "E. P. W." states that this is the suggestion which the writer made in a paper read before the Juridical Society in March, 1862. It will be interesting to note the details of the plan which Mr. WOLSTENHOLME then proposed. In the paper to which he refers he started with a consideration of the mode of transferring stock at the Bank of England. The simplicity of the title to stock depends, he observed, on four specialities—(1) The bank is exempted from acknowledging

any interests besides those of the persons in whose names the stock stands; (2) no owner of any interest of less duration than the absolute interest for ever in the stock is allowed to be entered on the bank books; (3) the bank acts on the evidence of transfer at its own peril, and in the event of a forged transfer is bound to restore the stock to the real owner, and may have to compensate the person entered as owner in its books; and (4) every pound of stock is precisely the same as every other pound, so that the purchaser is completely compensated by the transfer to him of other stock purchased by the bank for the purpose in the market. Mr. WOLSTENHOLME's scheme depended on applying the first two specialities to land. The third is applicable only in the event of the establishment of registration of title with an indemnity fund, but even then the same effect is not produced, since the fourth is clearly inapplicable. Either the purchaser or the real owner must lose the land and be forced to take a money compensation, and, even if the purchaser secures the land for the time, he immediately becomes liable to lose it by a subsequent sale under a forged transfer. It is better for him, therefore, to investigate the title for himself, as at present, and Mr. WOLSTENHOLME dismissed the notion of registration of title, and confined himself to the simplification of conveyancing by the application to land of the first two specialities in the transfer of bank stock. The first, he pointed out, does not involve any new principle. It is acted upon whenever property is settled by way of trust for sale, or is settled in strict settlement subject to a power of sale in trustees. "There is no reason," he said, "why this principle should not be extended, and why every person in whom an estate, whether legal or equitable, is vested as trustee or mortgagee, or in any other character, should not be deemed to have an absolute power of disposition, not merely for the purpose of sale, but for all purposes, and as against all persons with respect to whom his estate is paramount." With regard to the duration of legal estates, Mr. WOLSTENHOLME observed that, since land is the subject of occupation as well as ownership, it was necessary to recognize leases for years, as well as estates in fee; but he wished to abolish legal estates for lives and estates tail, and all other limited or uncertain interests, such as dispositions for terms determinable on lives, and dispositions by way of executory devise or shifting use. Difficulties arising upon dispositions by will he proposed to avoid by constituting a real representative for land, with the same powers as an executor now has in the case of leaseholds. He summed up his scheme as follows:—(1) The legal fee was not to be cut up into lesser estates of freehold, or into estates for years determinable on lives; (2) as regards a *bona fide* purchaser, every person was to be deemed to have an absolute power of disposition over every estate, legal or equitable, vested in him; and (3) a real representative was to be constituted. In the event of this absolute prohibition of legal life estates being thought to place landowners too much under the control of trustees, Mr. WOLSTENHOLME suggested a plan whereby the equitable tenant for life might have the legal fee vested in him, subject to a restraint on selling without the consent of specified persons, who would be the trustees of the settlement.

A NEW ZEALAND paper contains the report of the proceedings at the instance of the Canterbury Law Society against Mr. GEORGE HARPER and Mr. T. W. MAUDE, and the judgment of the Court of Appeal directing the names of these gentlemen to be removed from the rolls of barristers and solicitors of the Supreme Court. The proceedings arose out of the failure in March, 1893, of the firm of HARPER & Co., who carried on business as solicitors at Christchurch. The liabilities of the firm were over £200,000, the whole practically representing money intrusted to them by clients for investment, and the assets have produced a dividend of only eightpence in the pound. Although Messrs. G. HARPER and MAUDE were not directly responsible for this result, the facts, as stated in the judgment of the court, shew a degree of negligence on their part which rendered the decision inevitable. The firm had three departments: the investing department, which was under the control of Mr. LEONARD HARPER, and the conveyancing and common law departments, under the management respectively of Mr.

MAUDE and Mr. G. HARPER. The investing department had separate books and a separate banking account, and previously to 1885 it does not appear that Messrs. G. HARPER and MAUDE had any actual knowledge of the difficulties in which it had become involved. In that year and subsequently Mr. LEONARD HARPER was absent for considerable periods, and both Mr. G. HARPER and Mr. MAUDE became aware that the business of the investment department had been carried on with great irregularity, and that the firm had become involved in financial difficulties. The immediate cause of the difficulties was that investments had been made on securities which were inadequate in value, or could not readily be realized. Securities also had been taken in the name of the firm, and the moneys of clients had been mixed in the banking account with the firm's moneys. Something was done to cure this state of affairs by executing declarations of trust with respect to securities obtained with the money of clients, and opening a separate trust account at the bank, into which principal moneys belonging to clients should be paid. In this manner the trust account, by August, 1886, shewed a credit of £31,000, but in that month a new manager was sent to the bank—the Union Bank—who objected to the notice of trusts involved in the separate account, and the whole £31,000 was transferred by Messrs. G. HARPER and MAUDE to the firm's account, which was then overdrawn to the extent of £36,000. Moreover, when, in 1891, the bank pressed for security, the declarations of trust did not prevent the transfer to the bank of securities which represented the moneys of clients. Messrs. G. HARPER and MAUDE alleged to the court that they made these transfers in ignorance that they were dealing with trust property, but the court held that such ignorance was quite unjustifiable, and upon these transactions it appears to have chiefly based its judgment. Similar proceedings against Mr. LEONARD HARPER appear to have been prevented by his absence from New Zealand.

SOME TIME AGO we drew attention to a statement issued by the Council of the Institute of Chartered Accountants on the subject of Official Administration in Companies' Liquidation, the statement being an answer to the report of the Inter-Departmental Committee appointed by the Board of Trade to consider "the limits (if any)" within which the action of the Board was to be restricted. The Institute are evidently determined not to allow matters to remain in their present unsatisfactory condition, and are doing their best to obtain many beneficial changes. At the autumnal meeting, held in Liverpool last week, Mr. C. FITCH KEMP said enough in his presidential address to show that the council have put their finger on the great defect in the present system of winding-up companies—that is to say, the administration of the bulk of their affairs by the official receivers before the creditors and shareholders have had an opportunity of saying whether their own property shall be administered and distributed by a Government official who is already up to the ears in pending liquidations, or by an independent liquidator appointed by themselves. Mr. KEMP's address is marked by moderation of tone, and he even goes out of his way to bestow considerable praise on Mr. STEWART, the principal official receiver attached to the High Court; but he shews that, notwithstanding the excellence of this individual officer of the Board of Trade, "it is impossible for a great public department to satisfactorily administer the affairs of insolvent companies." From the remarks which Mr. KEMP makes with reference to the recent address of the President of the Incorporated Law Society it may be inferred that both the society and the institute are at one in their attack on officialism. Mr. EDWIN WATERHOUSE, F.C.A., read a paper, at Liverpool, on "Some Aspects of Liquidation under Recent Liquidations," in which he compares windings up "by order of the court"—in which the official receiver is a necessary evil—with voluntary liquidations (under supervision and without it), and, following the lines laid down in the council's statement, shews how efficient an administration there may be under a supervision order, properly framed in accordance with the most modern ideas. We have touched on this subject from the lawyer's point of view in another column, but the observations of Mr. WATERHOUSE, as an accountant and a

liquidator of experience, will be found to give further reasons in favour of discarding the present official system in favour of unofficial administration under supervision orders.

THE JUDGMENT of NORTH, J., in *Corporation of Bradford v. Pickles* (42 W. R. 697) contains a decision of a point upon which, though it has several times been discussed, there appears to have been hitherto no direct authority. Does a man render himself liable to an action if he does an act, otherwise lawful, solely for the purpose of causing annoyance or loss to another? Or, to take the case in which the question usually arises, can a landowner exercise his right of draining his own land, and so diverting water from his neighbour's, when his sole motive is to injure his neighbour. A passage from the Digest, quoted by TINDALL, C.J., in *Acton v. Blundell* (12 M. & W., p. 353), shews that, according to the Roman law, an action would lie. There is no action, it is said, against one who by digging in his own land diverts his neighbour's water, provided, at least, that he does not do it *animo vicini nocendi*. The first part of this passage was adopted in *Acton v. Blundell* as an authority for establishing the same rule in the law of England, and there was in that case no reason for expressing any opinion upon the proviso at the end. Lord WENSLEYDALE discussed the passage in *Chesmore v. Richards* (7 H. L. C., p. 387), and after observing that the proviso was adopted in the law of Scotland, where an otherwise lawful act is forbidden "if done *in amulationem vicini*," he added, "But this principle has not found a place in our law." Here again, however, no decision of the point was called for by the circumstances of the case, inasmuch as it was expressly found that the defendants, the local board of Croydon, had not been actuated by malice towards the plaintiff. In *Corporation of Bradford v. Pickles*, on the other hand, NORTH, J., appears to have held on the evidence that the object of the defendant was, by interfering with the plaintiffs' supply of water, to compel them to purchase his land, and this seems to come within the meaning of the phrase *animo vicini nocendi*. But, having regard to Lord WENSLEYDALE's dictum, and to the absence of any precedent for an action of this nature grounded merely on malicious motive, it was hardly possible for NORTH, J., to hold that the principle of the Roman law applied, and the plaintiffs' action failed on this point, though they succeeded in establishing that the defendant was by a private Act debarred from interfering with their supply.

MANY MEMBERS of the profession who practise in the Chancery Division will hear with regret that Mr. GLOSTER, the cause clerk, is still incapacitated through illness, and is applying for six months' leave of absence from duty.

WANTED: A DEFINITION.

WHAT are "matters of practice and procedure"? That is the question which just at present blocks the way. We reassemble at the beginning of the sittings under some new rules and a new Judicature Act (our ninth in succession), and we find ourselves confronted with this preliminary question, which must be answered before the work of the new legal year can proceed with any approach to smoothness. In one respect we start under new auspices. There are to be no more unnecessary appeals in matters of procedure. The fashionable method of reform nowadays is by way of repression, and the hand of the reformer holds us in its grip. It is his will that money should be no longer wasted on interlocutory appeals in the way it has been, and therefore an affluent and over-ingenuous bar must be checked. The temptation to pile up costs must be firmly removed out of the way of the profession. Therefore we are given the new Judicature Act.

We are not concerned to deny that immense quantities of money have been wasted on needless appeals, but this waste has not arisen from any desire on the part of lawyers to manufacture costs, but from the stolid refusal of the powers that be to listen to the advice of lawyers and abolish divisional courts. This last Judicature Act is the latest attempt of the legal

reformer to cover over the great blunder which was committed when divisional courts were given appellate jurisdiction. Not having the courage to clear divisional courts out of the way altogether, he has now invented a sort of high-level bridge as a short cut across the deep valley which separates the judge in chambers from the Court of Appeal. Having thus established a new double-route system of appeal, he sends the light traffic of procedure by the high-level short cut direct to the Court of Appeal, and leaves the residue, as before, to travel to that court by the longer way, down through the valley of the shadow of divisional courts. The object of this is to give the Court of Appeal control over procedure. And, indeed, it is only natural that this projected strict control over matters of procedure should be entrusted to that tribunal which in full court assembled had the courage to define an originating summons. That their definition was wrong and was shortly afterwards corrected by a rule of court is nothing to the point. We have never ceased as a nation to glory in that stupendous military blunder the Charge of the Light Brigade, and similarly we of the legal profession shall always feel stirred to say of the judgment in *Re Holloway*, "It was magnificent though it was not law." The direct control over procedure, therefore, has been well entrusted to the Court of Appeal, and we anxiously await at their hands a new definition to tell us what is "procedure."

By the Judicature Act, 1894, s. 1 (b), it is provided that "No appeal shall lie without the leave of the judge or of the Court of Appeal from any interlocutory order or interlocutory judgment made or given by a judge." Exceptions to this provision are made in the case of attachments, injunctions, orders for receiver, &c. Sub-section (4) of the same section provides that "In matters of practice and procedure every appeal from a judge shall be to the Court of Appeal." This latter provision does not affect the Chancery Division, because every appeal from a judge of that division goes direct to the Court of Appeal. It must be read with ord. 54, r. 23, of the Rules of the Supreme Court, which, as amended by R. S. C., August, 1894, r. 8, is as follows: "In the Queen's Bench Division, except in matters of practice and procedure, the appeal from the decision of a judge at chambers shall be to a divisional court."

Each of these two provisions contains an express direction and an implied prohibition. If a party desires to appeal from any order or decision of the judge in chambers, he must, on obtaining leave (where necessary), first decide for himself whether the point to be appealed is or is not a "matter of practice and procedure." If it is, he must go to the Court of Appeal and not to a divisional court. If it is not, he can only go to the Court of Appeal after he has been to a divisional court. If he decides wrongly and lodges his appeal in the wrong court it will be irregular, and will have to be dismissed with costs; and, inasmuch as the selection of the wrong court in such a case must of necessity be due to the error of the counsel or solicitor, it is extremely doubtful whether the taxing master will allow any costs of the appeal in solicitor and client taxations. Under these circumstances it is only natural that we should ask on behalf of the profession for an authoritative definition of the term "practice and procedure." The Legislature and the Rule Committee between them have set the profession a puzzle with a penalty attached for not finding it out, and if they are left to solve it for themselves they must necessarily suffer considerable loss in the process. Either a definition must be provided by authority, or the point will have to be argued over and over again on appeals from chambers as to whether the decision appealed from is or is not a matter of practice and procedure. We will endeavour to throw some light on the subject, and at the same time to shew that in many instances it is by no means easy to say whether a matter is one of procedure or not; and that the doubt is often so well grounded as to make it most undesirable that a practitioner should be mulcted in costs for deciding it wrongly for himself.

According to the law dictionaries the terms "practice" and "procedure" are synonymous. In Wharton's Law Lexicon the word "Practice" is defined as "the form and manner of conducting and carrying on suits, actions, or prosecutions through their various stages from commencement to final judgment and execution"; and the word "Procedure" as "the

mode in which successive steps in litigation are taken." Mr. Srouph, in his Judicial Dictionary, under the title "Practice," says: "The 'practice' of a court, when that word is used in its ordinary common sense, denotes the rules that make or guide the *cursum curie* and regulate procedure within the walls or limits of the court itself, and does not involve or imply anything relating to the extent of its jurisdiction (*Attorney-General v. Sillem*, 33 L. J. Ex. 209, 10 H. L. Cas. 704)." In Sweet's Law Dictionary the word "Practice" is defined thus: "The law of practice or procedure is that which regulates the formal steps in an action or other judicial proceeding." Those definitions are sufficiently clear in a general way; it is only when we come to apply them that difficulties arise.

Let us consider a few only out of the hundreds of subjects which are dealt with by the judge in chambers which are the subject of appeal. One of the most common is service out of the jurisdiction. Is that practice and procedure or not? At first sight it undoubtedly is, for it is a granting or refusing of leave to take a step in an action, and it would seem that an application to set aside the order should be made to the Court of Appeal. But one of the most common grounds of appeal against an order of this kind is that there was no jurisdiction to make it, in which case it may well be argued that the question of jurisdiction cannot be a matter of procedure, and appeal must, under ord. 54, r. 23, be to a divisional court.

Another subject which gives rise to a great number of appeals is summary procedure under order 14. If the defendant sets up some preliminary objection, such for example as that the writ is not specially indorsed, that would seem to be a matter of pure procedure, and appeal against a refusal of leave to defend would be to the Court of Appeal. But if the defendant brings in an affidavit of merits and the question is whether the merits of his case are sufficient to entitle him to leave to defend, the further question whether it is a matter of procedure or not might be evenly argued on both sides. On the one hand it might be contended that, the question involved being purely one of merits, it could not possibly be procedure, and appeal must be to the divisional court, because if judgment were given against the defendant it would be a final judgment on the merits of the case. On the other hand it might be argued that, inasmuch as the court was only called upon to decide whether or not the defendant had sufficient merits to warrant a subsequent trial of the action, the appeal was only a step in the action, and was therefore a matter of procedure, and appeal must be to the Court of Appeal. Again, the same difficulty in selecting the right court to appeal to would arise when the defendant endeavoured to shew that there was a difficult question of law to be tried, and therefore order 14 did not apply. Take for example the case of *The Electric, &c., Contract Corporation v. Thomson-Houston & Co.* (10 Times Rep. 103), in which the plaintiff sued for the return of £1,000 paid to the defendant on signing a contract which the plaintiff himself failed to complete; the question of law being whether the defendant was entitled to retain the money pending the hearing of his counter-claim for damages for breach of the contract. So long as we confine our view to the point whether leave to defend ought to be given, it looks like a question of procedure for the Court of Appeal, but the moment we consider the alternative possibility of a final judgment for the plaintiff it involves a decision of the question of law and should go to the divisional court. Surely there ought to be no uncertainty of this kind. All appeals under order 14 ought to go to one court or the other.

Again, are orders or refusals to stay proceedings, dismiss, or strike out a pleading on the ground that it discloses no cause of action matters of procedure? Take an application to stay on the ground that the matter has been referred to an arbitrator under submission, which is met by the contention that the arbitrator is an interested party. Is that a question of fact for the divisional court, or a question of procedure for the Court of Appeal? And as to orders to dismiss; are they "procedure"? An order to dismiss for want of prosecution is, no doubt, a pure matter of procedure. But how about an order to dismiss because the claim discloses no cause of action? In many such cases an appeal would involve a question of law. Is the solicitor to decide for himself in all these cases and pay the penalty if he decides wrongly?

There is, further, one broad question which will have to be determined, namely, whether the exercise of discretion by a judge is a matter of procedure or not. In the case of an application to the judge in chambers for costs, where a party desires to challenge the propriety of the judge's exercise of discretion, will he have to go to the divisional court or the Court of Appeal? The same question may be asked as to an appeal against an order for an interlocutory injunction, or a refusal to grant such an order. Also as to the granting or refusing of an order for a writ of prohibition to issue. The question whether a writ may issue looks like pure procedure, but the question whether an inferior court has jurisdiction to try a certain action does not look at all like procedure.

We could name many more instances in which a counsel or solicitor will be placed in real difficulty in putting a right construction upon the words "matters of practice and procedure." We have said enough, however, to shew the necessity for some more definite exposition of the meaning of the phrase.

Before we conclude, it may not be out of place to call attention to the curious position which this clause has created. If we mistake not, the provision it contains has sounded the death-knell of divisional courts, so far as their appellate jurisdiction is concerned. They have already lost motions for new trial, and we can hardly doubt that the authorities will adopt the reasonable view that all appeals from chambers under order 14 must go to one court or the other whether they involve questions of principle, or procedure, or both. They cannot go to the divisional court in disobedience of the statute, therefore they will probably all go to the Court of Appeal, and in that case the section to which we are referring will have left divisional courts very little appellate work to do. At least three-fourths of the amount of appeals with which they started in 1876 will have been taken away from them. The residue remaining to them will consist mainly of appeals from inferior courts, and appeals from chambers in matters which are not "practice and procedure." The amount of these latter will depend upon the construction which is authoritatively placed upon the phrase we are discussing.

But there is another circumstance which will militate strongly against the retention by divisional courts of any appellate jurisdiction whatever in High Court cases. Their position as a court of intermediate appeal has been reduced to an obvious absurdity. The bulk of appeals now pass them by and go direct to the superior appellate court. If one appeal straight to the Court of Appeal is the most expeditious and satisfactory method of disposing of the bulk of appeals from chambers, why is it not also the most expeditious and satisfactory method of dealing with the residue? If this question could have been met with the answer that there were some appeals of such great importance that the intermediate appeal to a divisional court ought to be abolished in order to allow the Court of Appeal to hear them at once, the reason given would have been a sound one. But the present position is just the reverse of this. All appeals involving questions of law, questions dealing with the merits of a case, questions of principle, are to be carried on appeal first to a divisional court, but appeals on all such minor matters as refusal of time to plead, refusal of leave to issue notice to third party, or to amend, and a host of others like them, which are purely procedure, are to go direct to the Court of Appeal. Just the very cases in which the appellants are least likely to be satisfied with the decision of an intermediate court of appeal are to go to the divisional court before they are taken to the Court of Appeal. Surely it would have been much more simple and much more efficacious for the purpose in view if it had been enacted that every appeal from a judge, whether by leave or without leave, should be direct to the Court of Appeal, at the same time empowering the judge in chambers to do as the Chancery judges do, namely, direct any case to be argued before him in court before making his order.

WINDING UP IN THE LEGAL YEAR 1893-1894.

III.

MR. JUSTICE VAUGHAN WILLIAMS, on the 6th of March, 1894, made in court a statement of some length (*ante*, p. 301, W. N., 1894, p. 44), in which he laid down that official receivers ought

not to receive directions from the Board of Trade (1) as to whether they should or should not make reports under section 8 of the Act of 1890, with a view to obtaining orders for public examinations; or (2) as to the time when such reports were to be made. His lordship took pains to shew that the official receivers are officers of the court—rule 165 of 1890 makes this perfectly clear—and pointed out that the function they performed in making reports and applications under section 8 was performed as officers of the court. He also said that the Board of Trade ought not "in any way to interfere with, or give directions to, the official receivers in the performance of this function," and directed the official receivers in future to "act on their own responsibility in these matters." Those who listened to this statement anxiously awaited further developments; and they were not disappointed. Very shortly afterwards an application was made to the judge to discharge an order made by him in chambers for the public examination of certain directors and other officers of the New Zealand Loan and Mercantile Agency Co. When it appeared that one of the persons ordered to be examined was the then President of the Board of Trade, people began to wonder whether the statement of the 6th of March had had any reference to the proceedings in this liquidation, and if there was any doubt about it, such doubt was dispelled when his lordship, in the course of delivering his judgment refusing to discharge the order, said: "In this very case I was forced to rule that the Board of Trade had no jurisdiction to forbid the presentation by the official receiver of the very report with which I am now dealing, and I thought it my duty, in consequence of this claim by the Board of Trade, to make a declaration in open court as to the limits of the jurisdiction of the Board of Trade in controlling the official receiver." Some comments on this matter have already appeared in these columns (*ante*, pp. 334, 335).

The main ground of the application to discharge the order for public examination in the *New Zealand* case was that such an order could not, having regard to the wording of section 8, be made without a charge being involved that the persons ordered to be examined had either themselves been guilty of fraud, or had been connected, in the management of a company, with persons who had been guilty of fraud in such management. Fraud was not mentioned in the official receiver's report, and those who sought to sustain the order disclaimed any intention of making such a charge. In *Re Great Kruger Gold Mining Co.* (40 W. R. 625; 1892, 3 Ch. 307) and *Re Trust and Investment Corporation of South Africa* (40 W. R. 689; 1892, 3 Ch. 332) the Court of Appeal had held that the report need not allege fraud in the person to be publicly examined; and in *Re Laxon & Co.* (41 W. R. 62; 1893, 1 Ch. 210) Mr. Justice VAUGHAN WILLIAMS had interpreted the last cases before the Appeal Court (in which the report did not allege fraud at all) as meaning that the official receiver need not, "in his report, say in terms that, in his opinion, fraud had been committed by persons in the promotion or formation of the company," but that it was "sufficient if the facts mentioned in the report suggested fraud" (see the observations *ante*, p. 335). In the course of the argument in the *New Zealand* case his lordship read the following extract from a report recently presented to the Board of Trade by the Inspector-General:—"The practical restrictions which have hitherto been imposed upon public examinations by confining them to cases where fraud is alleged or suggested have in some cases prevented public investigations which appeared desirable, and it may still be necessary to have this interpretation of the provisions of the statute further tested." And in his judgment Mr. Justice VAUGHAN WILLIAMS held that the report was sufficient.

On appeal, the order for a public examination under section 8 was discharged by consent, the appellants submitting to be examined under section 115 of the Companies Act, 1862, such examination to be adjourned into court, and facilities being given for creditors and contributories to take part in the examination.

During the argument in the Appeal Court one, at least, of the Lords Justices shewed an inclination to reopen some of the questions which had been supposed to be set at rest by the previous decisions of the Appeal Court to which we have referred; and their observations have led Mr. Justice VAUGHAN WILLIAMS into a further attempt to reconcile the views of the Lords

Justices with the terms of section 8 of the Act of 1890. In *Re General Phosphate Corporation* (ante, p. 458, 42 W. R. 602, W. N., 1894, p. 78, commented on ante, p. 471) his lordship expressed the opinion that section 8, sub-section 2, did not mean more than that the official receiver, in his further report, ought to state that, on the information before him, uncontradicted and unexplained, he was of opinion that a *prima facie* case was made of fraud having been committed by some person—not defining what person—falling within the description of persons mentioned in the sub-section, and that he believed such statement to be true; and his lordship intimated that, whether such an expression of opinion was or was not a condition precedent to obtaining an order, it was a convenient practice which the court would generally require to be followed. We understand that this decision is now under appeal, and that the Lords Justices will again have an opportunity of saying what section 8 really means.

We have already referred (ante, p. 781) to the decision in *Re Medical Battery Co.* (ante, p. 81; 42 W. R. 191; 1894, 1 Ch. 444) as to what are frauds within section 8.

Many days have been taken up with the hearing of misfeasance summonses. One of these—*Re Anglo-Austrian Printing and Publishing Union*—occupied a very long time, but nothing new was decided in it, and the case was wisely left alone by all the law reporters. In *Re Lands Allotment Co.* (ante, pp. 129, 235; 42 W. R. 404; 1894, 1 Ch. 616) the Court of Appeal held that directors are trustees, as to moneys of the company which have come to their hands or are under their control, within the meaning of the Trustee Act, 1888, s. 1, sub-section 3, and can, therefore, in the absence of fraud, take advantage of the Statute of Limitations as a defence to misfeasance proceedings. We have already commented on the case (ante, pp. 138, 230).

In *Re Liberator Building Society* (10 Times L. R. 537) a divisional court held that a salaried solicitor of a company is one of its officers within section 10 of the Act of 1890.

In *Re London and General Bank* judgment has not yet been delivered. Important questions as to the position, duties, and liabilities of auditors are involved. During the hearing of the summons Mr. Justice VAUGHAN WILLIAMS decided that rule 27 of April, 1892, is not *ultra vires*, as it was very commonly supposed to be, and that depositions at a public examination may be used against the persons (other than the deponents) mentioned in the rule in the same way as an affidavit—that is to say, the witness must be produced for cross-examination if required (ante, p. 682, W. N., 1894, p. 155).

The same judge has also decided that a report, under rule 78, in support of a misfeasance summons is not, on taxation, to be treated as a pleading or affidavit, but that the costs to be allowed are those generally given for drawing and copying a statement of facts; and that on the hearing in court of such a summons costs of instructions for brief, and costs and fees of further consultations beyond the first, were to be disallowed. But he allowed the costs and fees of a third counsel in a heavy case; left refreshers in the discretion of the taxing officers; and was good enough to say that the rule ought to be altered so as to allow the costs of instructions for brief: *Re Anglo-Austrian Printing and Publishing Union* (ante, p. 513; 42 W. R. 648; 1894, 2 Ch. 622).

In *National Bank of Wales v. Collins* (ante, p. 186) a divisional court, affirming Mr. Justice BRUCE in chambers, required a company in voluntary liquidation to give security for the costs of an action against its late manager.

So long ago as October, 1893 (see 37 SOLICITORS' JOURNAL, 836), we foreshadowed that supervision orders would shortly be made in such an improved form "that liquidations may be conducted on much the same lines as those which took place before 1890 by order of the court, but with the addition of many of the improvements suggested by the working of the Act of that year." Mr. Justice VAUGHAN WILLIAMS had then already begun, and he has continued since, to improve the form of supervision orders. In making such an order in *Re Pritchard, Offar, & Co.* (ante, p. 25) his lordship directed the liquidator to make and file a monthly report showing the progress made with the winding up of the company and the realization of the assets. And the learned judge has not been slow to avail himself of what the Lords Justices said, and allowed to be done, in the

New Zealand case. When making a supervision order in *Re Land Securities Co.* (ante, p. 459, 42 W. R. 624, W. N., 1894, p. 91) he expressed an opinion that the court might of its own motion order an examination under section 115 of 1862, and said that if it could be shown that under a supervision order there would be an efficient administration by the voluntary liquidator, "a great advantage would accrue to the commercial world. The liquidator must undertake to make an investigation and report whether an examination was required, and there would be also liberty to any contributory or creditor to apply for an examination if the liquidator reported in the negative." In *Re English and Scottish Mercantile Investment* (ante, p. 696) the proposed supervision order has not yet been completed; but the same judge, during the hearing of the case, said that under the 115th section the examination would be more advantageous than if it were conducted under section 8 of the Act of 1890, as the words of the former section were much wider with reference to the persons to be examined.

Section 115 says nothing about an examination under it being held in private. Rule 3 (2) of April, 1892, says that such examinations shall, "unless the judge of the High Court shall otherwise direct, be heard before the registrar in chambers." But the judge can certainly hear them himself; and rule 4 of April, 1892, says that "any matter or application in chambers may at any time be adjourned from chambers to be heard by the judge of the High Court in court." There seems, therefore, to be no difficulty in ordering a public examination in supervision proceedings, and dispensing with the official receiver.

In *Re Hampshire Land Co.* (ante, p. 492; 42 W. R. 601; 1894, 2 Ch. 632) Mr. Justice VAUGHAN WILLIAMS held that where, in a winding up under supervision, an additional liquidator is appointed by the court, he must give security, although no security has been given by the voluntary liquidator. In arriving at this conclusion his lordship followed a recent case of *Re Private Investors' Association* (Palmer's Winding-up Forms, 2nd ed., p. 624), and declined to follow *Re European Bank* (19 W. R. 268).

In one case there has been some difficulty in getting the directors of a new company—which under a scheme under the Joint-Stock Companies Act, 1870, has succeeded a liquidating company—to proceed, or assist proceedings, against officers of the old company for alleged misfeasances. Litigation commenced with a view to compelling the new company to give the required assistance is still pending. Mr. Justice VAUGHAN WILLIAMS has in several recent cases intimated that he will not sanction schemes of arrangement under the Act of 1870, unless provision is made for the new company undertaking to obey the order of the court as to any proceedings (including the application of part of the assets of the old company to the costs thereof) which the court may think right to have taken against officers of the old company (ante, p. 658, W. N., 1894, p. 166).

Re Midland Coal, Coke, and Iron Co., Craig's Claim (ante, p. 618, 42 W. R. 622, W. N., 1894, p. 136), a decision of Mr. Justice WRIGHT, will be found of some importance on the question, how contingent creditors are affected by arrangements under the Act of 1870. We believe the case will be taken to the Court of Appeal.

Persons interested as creditors, who have not opposed a scheme at the meeting of creditors or appeared upon the application to the court to sanction the scheme, cannot, it seems, appeal from his order without the leave of the court: *Re Securities Insurance Co.* (ante, p. 487; 42 W. R. 465; 1894, 2 Ch. 410).

In connection with winding up, one is almost obliged to refer to decisions on petitions to sanction reduction of capital, which are now often brought before the winding-up judge. Mr. Justice WRIGHT has held that such petitions need not be intitled "In the matter of the Companies (Winding-up) Act, 1890": *Re Aluminium Co.* (ante, pp. 130, 179, 185, W. N., 1894, p. 6); and this decision is calculated to bring work to the winding-up registrar's office; but this branch of business has not entirely deserted the courts of the Chancery judges proper: *Re Wallasey Brick and Land Co.* (W. N., 1894, p. 20). Mr. Justice KEKEWICH held that where a company had practically ceased to carry on business, an application to reduce, with the sole object of distributing the assets, could not be entertained.

The decision of the House of Lords in *British and American*

Trustee and Finance Corporation v. Couper (42 W. R. 652; 1894, A. C. 399) establishes that the court has power to sanction a reduction of capital according to a scheme which does not deal in precisely the same way with each and every share belonging to a class. We have already commented on the case (*ante*, p. 394).

It seems that Mr. Justice NORTH and Mr. Justice STIRLING both think that the production of a minute of a meeting, duly signed, is *prima facie* evidence of the regularity of the meeting and of the resolutions passed: *Re Leicester Mortgage Co.* (*ante*, pp. 531, 564; W. N., 1894, pp. 108, 116). But Mr. Justice CHITTY requires an affidavit that the resolutions have been duly passed and that the proper notices have been served.

The R. S. C., November, 1893, as originally framed, affected winding-up practice on the following and other points—service, of originating and other summonses and orders and notices in a winding up, out of the jurisdiction; default of appearance to originating summons; trustees, &c., representing beneficiaries in foreclosure proceedings; compromises in absence of interested persons (see *Collingham v. Sloper*, W. N., 1894, p. 168); and the representation of absent parties. Many of the new rules are, of course, as applicable to debenture-holders' actions as to other actions. The improvement of the winding-up practice by allowing service out of the jurisdiction was of short duration (see the annulling rule, *ante*, p. 166, and the observations on it, *ante*, pp. 180, 195). We are not aware whether the directions of the Chancery judges as to appointments under ord. 12, r. 15 (*ante*, p. 233), were ever followed in the winding-up registry. The Rules of July, 1894 (set out *ante*, pp. 598, 615, and commented on *ante*, pp. 596, 612), also affect the practice as to originating summonses, and it must be borne in mind that they came into force on the 24th inst.

On the 1st of January, 1894, the Board of Trade made an order substituting a new form of advertisement of a meeting of the committee of inspection for sanction to a proposed call; and in July an order or practice direction was issued, providing that "when an affidavit is presented for filing out of time, such affidavit is only to be received on the undertaking of the solicitor to abide by the order of the court as to the costs of any adjournment occasioned thereby, and as to the solicitor's right to charge any such costs against his client" (*ante*, p. 629).

The limited space at our disposal will not enable us to do more than refer to the prohibition granted in a company matter against the City of London Court in *Re London Scottish Building Society* (*ante*, p. 43, 42 W. R. 464); the decision of Mr. Justice WRIGHT on several important questions in the winding up of a building society (*Re West London and General Building Society*, *ante*, p. 273; 42 W. R. 535; 1894, 2 Ch. 352); the case as to the right of a liquidator to prove in bankruptcy when the trustee has disclaimed shares (*Re Hallett*, 42 W. R. 651, W. N., 1894, p. 156); Mr. Justice NORTH's decision as to the power of a guarantee company to divide the "undertaking" into "shares or interests" (*Malleon v. General Mineral Patents Syndicate*, *ante*, p. 663, W. N., 1894, p. 154); or the decisions, as to calls, of the Court of Appeal in *New Zealand Gold Extraction Co. (Newbery-Fautin Process v. Peacock)* (1894, 1 Q. B. 622). The numerous cases cited, and the well-known magnitude of some of them, shew that the reporters have had a very busy time of it.

Lord Justice Kay is confined to his room from the effects of a chill caught two or three weeks ago.

At the Greenwich police court on Wednesday, Charles Russell, 43, clerk, of 34, London-road, Forest-hill, was, says the *Times*, charged on a warrant, at the instance of the Incorporated Law Society, with pretending to be a solicitor. Mr. J. P. R. Lyell prosecuted. Sidney Cook, commercial traveller, of Eastdown-park, Lewisham, said he was, under a deed of separation, paying an allowance to his wife. He received a letter from the prisoner, in which he said he was directed by Mrs. Cook to say that if an amount due to her "is not paid to her by Monday morning I am to proceed at once to enforce payment." He paid what was due to his wife, but received another letter from the prisoner, in which he said, "I am to proceed immediately." The prisoner, on being arrested, having failed to answer the summons, said that he wrote the letters at the instigation of Mrs. Cook, and did not intend to pretend that he was a solicitor. Mr. Kennedy, who said the letters would give the impression that the writer was a solicitor, imposed a fine of 20s. and 25s. costs, or fourteen days' imprisonment.

REVIEWS.

FOREIGN JURISDICTION.

A TREATISE ON THE FOREIGN POWERS AND JURISDICTION OF THE BRITISH CROWN. By WILLIAM EDWARD HALL, M.A., Barrister-at-Law. At the Clarendon Press. Henry Frowde and Stevens & Sons (Limited).

This work, as the author states in the preface, is "an attempt to define the powers and jurisdiction which the British Crown exercises or has a right to exercise in places not within the dominions of Great Britain, whatever the source may be from which such powers and jurisdiction are derived." The task is at once novel and interesting, and in addition to published material, such as statutes, treaties, Orders in Council, and Parliamentary papers, Mr. Hall has had access to official opinions which fortify his conclusions though he has not been able to cite them as authorities. The first part of the book is concerned with the theoretical justification of foreign powers and jurisdiction. Mr. Hall bases them upon the two principles that a State retains the right to the allegiance of its subject when resident abroad, and may therefore regulate for its own purposes the legal effect of acts done by him; and, correlatively, that it is bound to protect him. By international usage or agreement these principles are allowed to infringe upon the general principle that each State is supreme within its own territory. The powers of a State in respect to acts done abroad are of greatest importance in the case of marriages. For most purposes these are regulated by the Foreign Marriage Act, 1892, and Chapter III., on "Celebration of Marriage by British Agents in Foreign States," contains a careful statement of the effect of the Act, and of the Order in Council of the same year made in pursuance of it. But there may be cases in which no British agent is at hand to perform a marriage, and Mr. Hall introduces an interesting discussion of the question whether it is then sufficient for the marriage to take place according to the common law *per verba de presenti* before a person in episcopal orders. In a later chapter (page 197) he deals with marriages in Oriental and barbarous countries, and suggests that the doctrine of *The Queen v. Miller* (10 Cl. & Fin. 534) does not necessarily apply, and that, if the services of a clergyman cannot be obtained, it is sufficient for the marriage to take place *per verba de presenti* before witnesses. The subject is treated fully and clearly, and Mr. Hall's argument will be found very interesting. In regard to foreign jurisdiction there is a marked distinction between States of European civilization and Oriental and barbarous States, and these are dealt with respectively in the second and third parts of the book. In States of the former type the actual jurisdiction allowed to British agents is slight. The protective right is enforced by diplomatic pressure, and consular jurisdiction exists chiefly in regard to naval matters. The first chapter of the second part contains a careful and detailed examination of the question what persons in civilized countries are possessed of the status of British subjects, and deals also with the complications arising from double nationality. The matter is one of no slight difficulty, and this discussion of it will be found very valuable. In Oriental countries foreign jurisdiction is fully established, and is exercised by consular courts. The extent of their powers is described in the second chapter of Part III. The third chapter of the same part deals, *inter alia*, with "spheres of influence," a term to which, Mr. Hall remarks, no very definite meaning is as yet attached. The definition which he gives is as follows:—The term represents an understanding which enables a State to reserve to itself a right of excluding other European powers from territories that are of importance to it politically, as affording means of future expansion to its existing dominions or protectorates, or strategically, as preventing civilized neighbours from occupying a dominant military position" (page 228). The above remarks sufficiently indicate the character and scope of the work. Mr. Hall has performed a difficult task with great industry and ability, and the book will be invaluable to students of international law and to persons charged with the duty of representing the British Crown in foreign countries.

THE CONSTITUTION OF THE UNITED STATES.

SOURCES OF THE CONSTITUTION OF THE UNITED STATES CONSIDERED IN RELATION TO COLONIAL AND ENGLISH HISTORY. By C. ELLIS STEVENS, LL.D., D.C.L. Macmillan & Co.

The object of this very interesting volume is to trace back the different elements of the Constitution of the United States to their English originals. The Constitution, as Mr. Stevens points out, and as Americans are ready to admit, was not invented by the convention of 1787; it was the outcome of institutions with which the delegates were well acquainted, and which were in actual operation in the American colonies or in England. The most distinctive feature, the written Constitution, was, it is suggested, an adaptation of the written charters under which the colonies had always been governed.

The distinction between the executive, legislative, and judicial departments was an obvious imitation of English usage. As to the executive, it was out of the question, of course, to set up a king by that title, but it was felt to be essential to place one man at the head of affairs, and the powers of the President, exceeding as they do the powers of a modern constitutional sovereign, were, in Mr. Stevens' opinion, the reflection of the personal ascendancy which George III. had at the date of the War of Independence acquired. The House of Representatives, with its power of impeachment and of initiating money bills, is modelled on the House of Commons, and Mr. Stevens quotes from a speech of one of the delegates to shew that in framing the Senate there was conscious imitation of the House of Lords. "In the formation of the Senate," it was said, "we ought to carry through such a refining process as will assimilate it, as nearly as may be, to the House of Lords of England." The Supreme Court is sometimes spoken of as though it were the guardian of the Constitution, but this is merely a result of the necessity of comparing the laws of Congress with the written constitution. It is a court supreme over the various States, just as previously the Privy Council was supreme over the various colonies, and its function is the same as that of any other court, to decide in particular cases which come before it what is the law.

In tracing the elements of the Constitution of the United States to their English sources, Mr. Stevens does not rest satisfied with the corresponding English institutions as they existed at the time of the separation. It is in the origin of these that he finds the true sources, and English and American institutions alike are traced from early times. This outline will shew the nature of the task which Mr. Stevens has undertaken. In the performance of it he has produced a book which will well repay perusal.

MUNICIPAL CORPORATIONS.

THE LAW RELATING TO MUNICIPAL CORPORATIONS IN ENGLAND AND WALES. First Edition by the late T. J. Arnold. FOURTH EDITION. By WILLIAM W. MACKENZIE, M.A., Barrister-at-Law, and Sir SAMUEL GEORGE JOHNSON, Town Clerk and Clerk of the Peace of the Town and County of the Town of Nottingham. Shaw & Sons.

The text of this edition of Arnold's Law of Municipal Corporations contains the Municipal Corporations Acts, 1882 and 1883, and the Local Government (England and Wales) Act, 1888. The sections of the Acts are annotated, the notes being clear and full. As examples we may refer to the notes on residence as a qualification for a Burgess (p. 11), on bye-laws (p. 38), on the contracts of municipal corporations (p. 109), and on the disqualification of justices by reason of bias or interest (p. 172). The other statutes relating to local government in boroughs, including the material portions of the Local Government Act, 1894, are placed in the appendix, where they are classified according to their subject-matters. A special feature of the book is the chapter on elections (p. 480), which, in some fifty pages, gives a full account of the proceedings upon a municipal election. The chapter is written in a clear and practical style, and will be invaluable to returning officers and others concerned in such elections. The vast mass of detail contained in the book is made accessible by an index extending over more than a hundred pages which appears to have been compiled with great care. The arrangement, the contents, and the printing of the book combine to make it a very useful volume.

BOOKS RECEIVED.

Handbook of certain Acts affecting the Universities of Oxford and Cambridge and the Colleges therein in the Sale, Acquisition, and Administration of Property. By WILLIAM BAILLIE SKENE, Barrister-at-Law. Sweet & Maxwell (Limited).

Chapters on the Principles of International Law. By JOHN WESTLAKE, Q.C., LL.D. Cambridge: at the University Press.

The Prevention of Cruelty to Children Act, 1894; with Introduction, Notes and Forms, and an Index. By GERALD CHAMPION LEWIS, M.A., LL.M., Barrister-at-Law, and HAROLD MURDOCK BARROWS, Barrister-at-Law. Shaw & Sons.

The Solicitors' Diary, Almanac, and Legal Directory, 1895 (58 & 59 Vict.). A Digest of the Public General Acts of the Session of 1894 (57 & 58 Vict.). With Alphabetical Index, &c., together with Names and Addresses of Barristers in practice; also Lists of London and Country Solicitors, with Appointments held by them. The Treatise upon the Stamp Acts and the Law and Practice of Stamping Documents is revised by H. S. BOND, Esq. The Treatises on Oaths, Solicitors' Charges, and Duties payable on Succession revised by J. GODFREY HICKSON, Esq., Solicitor. Fifty-first year of publication. Waterlow & Sons (Limited).

CORRESPONDENCE.

NEGOTIATING FEE AFTER ABORTIVE AUCTION.

[To the Editor of the Solicitors' Journal.]

Sir,—The point mentioned by Mr. Mather in your last week's issue has often arisen with us in a large conveyancing practice. Due regard however to the spirit of rule 2, Schedule I., Part I., has helped us towards a solution, and that solution is, it appears, exactly in accordance with the decision of the Liverpool Palatine Registrar, and also coincides with the views of Mr. Mather and yourselves. Rule 2 says, in effect, that where a solicitor has already received or become entitled to remuneration for attempting to sell by auction that which he subsequently sells by private treaty, he shall not charge for negotiating such subsequent sale the full negotiation fee. In other words, he must take into account the fact that he has already had charges in respect of the same property and must not treat the negotiation as an entirely fresh matter.

Recent decisions preclude the charging of Schedule I. plus auctioneer's fee in any shape. The solicitor is therefore left to charge under Schedule II. for work done up to and including auction, or he may take the conducting fee of Schedule I. and himself pay the auctioneer. Northern practitioners find that the former method is the better one and pays them best. If, therefore, when Schedule I. is taken only half the negotiation fee is to be charged, *a fortiori* when that is taken which is better than Schedule I.?

It seems clear that though the case does not come within the letter, it comes within the spirit, of rule 2.

The action of the High Court registrar was surely wrong, and, query, *ultra vires*. The right to the auction charges is undoubted; it is only the subsequent negotiation fee that is questioned.

Warrington, Oct. 23.

COSTS CLERK.

[To the Editor of the Solicitors' Journal.]

Sir,—Referring to Mr. Mather's letter in your issue of the 20th inst. on this subject, it may be of interest to your readers to know that on a recent taxation in the Chancery Division of the High Court of costs of an abortive sale by auction of property in lots, and subsequent sale by private treaty, the taxing master, after considerable discussion, allowed my firm the costs of the abortive auction sale under Schedule II., and the full commission for negotiating the subsequent sale by private treaty; commission in respect of the abortive auction having been paid to an auctioneer.

Our contention was that rule 2 only cuts down the "negotiating fee" to one half where the solicitor gets "commission" for "conducting sale by auction," and not where he only gets paid for such work as "preparing conditions" "attending sale," &c.

We submitted that where a solicitor does nothing towards, and receives nothing for, endeavouring to obtain purchasers at the auction (the auctioneer doing and being paid for this), he is entitled, if he subsequently successfully obtains a purchaser, to be paid the full fee for doing so. Rule 2 is expressly made subject to rule 11, so that the framers of rule 2 were bearing in mind the provisions of rule 11, which, according to *Driela v. Manifold*, substitutes remuneration under Schedule II. for the "conducting fee" where an auctioneer is employed and paid; and, assuming the construction placed by the Court of Appeal on the rules to be the correct one, the framers of the rules must be taken to have had under consideration the contingency of a solicitor being paid Schedule II. costs instead of a conducting fee; and yet they did not provide that in such a case the "negotiating fee" should be cut down to one half.

I may add that when it came to the scale fee for deducting title, the taxing master only allowed commission on the aggregate purchase-money of the two lots, notwithstanding that the two lots were held under different titles, and that there were distinct purchasers, two conveyances, and two abstracts.

As we were within two or three days of the Long Vacation, and to dispute the taxing master's ruling on this point would have thrown us over for several months, delayed the distribution of a fund, and cost our clients a considerable sum in fighting the point, I regretfully submitted.

JAS. N. GRAHAM.

St. Austell, Cornwall, October 23.

A POINT OF PRACTICE.

[To the Editor of the Solicitors' Journal.]

Sir,—The letter of "W. H. W." in your issue of the 20th inst. headed "A Point of Practice," and your observations thereon under the head of "Current Topics," induce me to bring to your notice a case which, though not on all fours with that of your correspondent, is, I think, of sufficiently kindred matter to be discussed in connection therewith.

A defendant handed me a copy writ issued out of the district registry, and specially indorsed with a claim for some £30 odd, with instructions to appear thereto. I entered an appearance accordingly, and, there being no defence, the plaintiffs issued a summons for final judgment under order 14, and filed an affidavit in support. At this juncture my client offered to pay the debt and costs; the plaintiffs claimed £7 for costs on the High Court scale, as if they had proceeded to final judgment, but made no difficulty as to allowing the cost of obtaining the order, and so the matter was settled.

Now the proviso in sub-section (2) of section 116 of the County Courts Act, 1888, expressly allows High Court costs in cases which would otherwise be subject to the county court scale "if . . . the plaintiff shall . . . obtain an order." I wish to emphasize the words quoted, and particularly the word "obtain," my difficulty being as to whether a plaintiff who has not proceeded so far as to obtain his order is entitled to the High Court scale at all, even after allowing the cost of and subsequent to attending the judgment summons. The wording of the Act, at any rate, does not appear to confer any such legal right, whatever its intention may be.

J. B. W.

LAW STUDENTS' JOURNAL.

LAW STUDENTS' SOCIETIES.

LAW STUDENTS' DEBATING SOCIETY.—October 16—Chairman, Mr. A. W. Watson.—The subject for debate was: "That this society deplores the system of 'Death Duties' imposed by the Finance Act, 1894." Mr. Neville Tebbutt opened in the affirmative; Mr. C. H. L. Alder seconded. Mr. Archibald Hare opened in the negative; Mr. A. E. Clarke (in the absence of Mr. Headland Stevens) seconded. The following members also spoke:—Messrs. W. S. Henderson, A. E. Bell, J. T. Pritchard, and H. Harcourt, and Mr. Neville Tebbutt replied. The chairman having summed up in favour of the negative, the motion was lost by three votes.

Oct. 23—Chairman, Mr. Rupert Blagden.—The subject for debate was: "That the socialistic tendency of modern legislation is economically and politically unsound." Mr. Nugent Chaplin opened in the affirmative. Mr. Herbert Smith opened in the negative. The following members also spoke:—Messrs. Swan, Tudor Lay, T. S. Wilkinson, Beloe, Stroud, Neville Tebbutt, A. Smith, and Henderson. Mr. Nugent Chaplin then replied. The motion was carried by two votes. The subject for debate at the next meeting of the society, on Tuesday, the 30th of October, is: "That any retrospective treaty with the Argentine Republic having for its purpose the extradition of Mr. Jabez Spencer Balfour is impolitic, and contrary to international law."

HUDDERSFIELD LAW STUDENTS' SOCIETY.—Sir George Morrison delivered the inaugural address in connection with the opening of the winter session of the above society. The chair was occupied by Mr. A. H. J. Fletcher, M.A., and there was a large attendance, including several solicitors. "Some Modern Aspects of the Law of Torts" was the subject chosen by Sir George, who gave an extremely lucid exposition of recent and important authorities upon the principles of the law of torts, which entered so largely into the transactions and relationships of everyday life, and were therefore, not unnaturally, fertile in disputes. He especially dwelt on discussions which have modified older doctrines, so as to meet the altered circumstances or exigencies of modern society, or which have amended the law with a view to remedy such features of it as the experience of mankind has found to be defective or susceptible of improvement. He then referred in detail to the most recently reported cases, including those of the present year, affecting questions of tort; and noticed, amongst others, recent decisions on fraud and deceit, and the effect of the Directors' Liability Act, 1890, on such cases; modern authorities on the doctrine of "*Volenti non fit injuria*," including the case of *Smith v. Baker*, where the House of Lords reversed the Court of Appeal; several cases in this year's reports on privilege in libel; contribution amongst wrongdoers; identification as affecting contributory negligence; actions for conspiracy (trades unions) and decisions concerning local authorities; and the statutes affecting the law of torts. He contended that the courts and Parliament, in varying old authorities and establishing new ones, had sought to bring the law into accord, on the one hand, with modern public utility; and, on the other, with sound learning and justice. Might they not reasonably assume that, as years passed by, the courts would still further devote their energies to remove anomalies, to sweep away legal fictions, and that there might arise as perfect and scientific a body in this branch of the law as there was in any other department of English jurisprudence.

On the motion of Mr. J. W. Piercy, LL.B., seconded by Mr. C. C. B. Bardeley, B.A., a very hearty vote of thanks was accorded to Sir George Morrison. A vote of thanks to the chairman concluded the meeting.

BLACKBURN AND DISTRICT LAW STUDENTS' DEBATING SOCIETY.—October 10—Mr. George Porter presided.—There was a fair attendance. The subject for debate was as follows: "A., a solicitor, and a member of the firm of A., B., & Co., deposited deeds belonging to himself with C., another solicitor, to secure an advance of £5,000, both parties understanding the transaction to be a strictly private one. Soon after A. borrows the deeds from C., saying that his firm, A., B., & Co., wished to prepare

an abstract from them, and he gives C. an undertaking to return them signed in the name of the firm. A. sells the property, and absconds with the money. Can C. sue A., B., & Co. on their undertaking, the remaining partners being innocent?" Mr. Hindle opened in the affirmative, and Mr. Cooper replied for the negative. The following also spoke: Messrs. Backhouse, Marsden, Riley, and Sharples. After an able and lucid summing up by the chairman, the question was decided in the negative by a majority of six.

LEGAL NEWS.

OBITUARY.

His Honour Judge WILLIAM HENRY COOKE, Q.C., Recorder of Oxford, died on Saturday last. He was the son of the late Rev. W. Cooke, vicar of Bromyard, Hereford; was called to the bar in 1837; and was made a Queen's Counsel in 1863. He was appointed recorder of Oxford in 1868, and was county court judge from 1868 till 1888.

APPOINTMENTS.

Sir R. T. REID, Q.C., M.P., has been appointed Attorney-General, and Mr. F. LOCKWOOD, Q.C., M.P., has been appointed Solicitor-General.

The Hon. HAMILTON CUFFE, C.B., barrister, has been appointed Solicitor to the Board of Treasury and Director of Public Prosecutions in succession to Sir Augustus Keppel Stephenson, K.C.B., Q.C.

Mr. CHARLES FALKLAND MONCKTON, solicitor, has been appointed Clerk to the Visiting Justices of her Majesty's prison of Newgate, in the place of the late Mr. H. F. Youle, whom he also recently succeeded as clerk to the special sessions at Guildhall, and clerk to the visiting justices of her Majesty's prison at Holloway.

Mr. THOMAS FINCHBURY WAKLEY, solicitor (of the firm of Wakley & Wakley), of Birmingham and Guernsey, has been appointed a Special Commissioner for taking Acknowledgments of Deeds, &c., and administering Oaths in relation to proceedings in the Supreme Court and Courts of Record for the Province of Nova Scotia.

Mr. REGINALD N. ROGERS, solicitor, of Falmouth, has been appointed Clerk to the Commissioners of Taxes for the Division of East Kerrier, Cornwall, in the room of the late Mr. Harry Tilly, deceased.

Mr. WILSON LLOYD FOX, solicitor, of Falmouth, has been appointed Registrar of the County Court holden at Falmouth, in succession to the late Mr. Harry Tilly, deceased.

GENERAL.

It is stated that Lord Justice Rigby has appointed Mr. B. C. Piesance to be his chief clerk.

According to the latest account, Lord Justice Kay is making favourable progress.

The death is announced of Mrs. James, mother of Sir Henry James, Q.C., M.P., at her residence in Hereford, at the age of ninety-eight years.

It is stated that Mr. Justice Barnes will not resume his judicial duties in the Probate, Divorce, and Admiralty Division during the present sittings.

A meeting of the judges of the Queen's Bench Division was held on Wednesday, according to the *Times*, for the purpose of choosing the election petition judges for the ensuing year; settling the Old Bailey rota; selecting the judges for the Winter and Spring Circuits; settling the rota for the Hilary and Easter sittings; choosing four judges pursuant to Resolution 28 of the 24th of May, 1894; of considering whether laymen applying for rules or orders in the nature of a *mandamus* should be heard; and of considering the question of the constitution of the court or courts for commercial causes and matters in connection therewith.

Stanley Garner, formerly a solicitor in Liverpool, was, says the *Times*, on the 19th inst., again charged before the stipendiary of that city on four charges of forgery. Mr. Moss prosecuted, and Mr. Madden defended. Mr. Moss stated that the first case he proposed to take was that in which the prisoner, along with Dr. Whitford, was a trustee for Mrs. Langley. On part of that estate there was a mortgage of £750 with a Mr. Campbell. Early in 1893 prisoner pressed for payment of the mortgage and threatened proceedings. Mr. Campbell then paid £500 off. In June, 1893, Mr. Campbell was again pressed for the mortgage to be further reduced, and he then paid £250. In each case the prisoner forged the name of Dr. Whitford to the receipt, and thereby obtained £750. Dr. Whitford corroborated this statement, and said that in August, 1893, the half-yearly account he received from the prisoner showed the full amount of mortgages still owing. The detective who arrested Garner in London said that the prisoner's wife asked what it meant, and Garner replied, "I was short of money and I wrote another man's name." The wife pressed him to declare it was not true, but he said, "It is only too true." The accused was next charged with having forged the name of Mr. Walter L. Nichols, who was trustee with him under the marriage settlement of a Mrs. Beesley, and thus raised a loan of £946 on the title-deeds of some ground-rents. A third charge was that of forging Dr. Whitford's signature to the transfer of Mersey Dock bonds to the amount of £1,200, part

of the estate of a Mrs. Langley, in which prisoner was a co-trustee. A fourth charge was that of forging the name of Mr. Arthur Lowndes, solicitor and former partner, to a transfer of another Mersey Dock bond for £1,204 belonging to the estate of Catherine P. Hornblow, in which Mr. Lowndes and prisoner were co-trustees. Mr. Lowndes said that altogether the estate had been defrauded of a little over £1,800. The prisoner was committed for trial on all four charges.

Policies at ordinary rates are issued by the Standard Life Assurance Co. to provide for the new Estate Duties, and contain a clause by which the company agree to pay those duties to the Inland Revenue authorities before grant of probate.

COURT PAPERS.

SUPREME COURT OF JUDICATURE.

ROTA OF REGISTRARS IN ATTENDANCE ON

Date.	APPEAL COURT No. 2.	Mr. Justice CHITTY.	Mr. Justice NORTH.
Monday, Oct. 29	Mr. Beal	Mr. Godfrey	Mr. Jackson
Tuesday 30	Pugh	Leach	Cloves
Wednesday 31	Beal	Godfrey	Jackson
Thursday, Nov. 1	Pugh	Leach	Jackson
Friday 2	Beal	Godfrey	Cloves
Saturday 3	Pugh	Leach	Cloves
	Mr. Justice STELLING.	Mr. Justice KEENEWICH.	Mr. Justice BOWEN.
Monday, Oct. 29	Mr. Carrington	Mr. Bolt	Mr. Ward
Tuesday 30	Lavis	Farmer	Pemberton
Wednesday 31	Carrington	Bolt	Pemberton
Thursday, Nov. 1	Lavis	Farmer	Pemberton
Friday 2	Carrington	Bolt	Ward
Saturday 3	Lavis	Farmer	Pemberton

MICHAELMAS SITTINGS, 1894.

COURT OF APPEAL.

APPEAL COURT, I.

Final and interlocutory appeals from the Queen's Bench Division, the Probate, Divorce, and Admiralty Division (Admiralty), and the Queen's Bench Division sitting in Bankruptcy.

Wed., Oct. 24	App motns ex pte—ordl motns and apps from ords made on interlocutory motns
Thursday 25	New trial paper
Friday 26	Bkcy apps and new trial paper
Saturday 27	New trial paper
Monday 29	App motns ex pte—ordl motns — apps from ords made on interlocutory motns and Q B final appeals if required
Tuesday 30	Q B final apps
Wednesday 31	Q B final apps
Thurs., Nov. 1	Bkcy apps and Q B final apps
Friday 2	Q B final apps
Saturday 3	Q B final apps
Monday 5	App motns ex pte—ordl motns — apps from ords made on interlocutory motns and new trial pa if required
Tuesday 6	New trial paper
Wednesday 7	New trial paper
Thursday 8	Bkcy apps and new trial paper
Friday 9	New trial paper
Saturday 10	App motns ex pte—ordl motns — apps from ords made on interlocutory motns and Q B final apps if required
Monday 12	Q B final apps
Tuesday 13	Q B final apps
Wed. 14	Bkcy apps and Q B final apps
Thursday 15	Q B final apps
Friday 16	Q B final apps
Saturday 17	Q B final apps
Monday 19	App motns ex pte—ordl motns — apps from ords made on interlocutory motns and new trial paper if required
Tuesday 20	New trial paper
Wednesday 21	New trial paper
Thursday 22	Bkcy apps and new trial paper
Friday 23	New trial paper
Saturday 24	App motns ex pte—ordl motns — apps from ords made on interlocutory motns and Q B final appeals if required
Monday 26	Q B final apps
Tuesday 27	Q B final apps
Wed. 28	Bkcy apps and Q B final apps
Thursday 29	Q B final apps
Friday 30	Q B final apps
Sat., Dec. 1	Q B final apps
Monday 3	App motns ex pte—ordl motns — apps from ords made on interlocutory motns and new trial pa if required

Tues. 4	New trial paper
Wednesday 5	New trial paper
Thursday 6	Bkcy apps and new trial paper
Friday 7	New trial paper
Saturday 8	App motns ex pte—ordl motns — apps from ords made on interlocutory motns and Q B final apps if required
Monday 10	Q B final apps
Tuesday 11	Q B final apps
Wed. 12	Bkcy apps and Q B final apps
Thursday 13	Q B final apps
Friday 14	Q B final apps
Saturday 15	Q B final apps
Monday 17	App motns ex pte—ordl motns — apps from ords made on interlocutory motns and new trial paper if required
Tuesday 18	New trial paper
Wed. 19	New trial paper
Thursday 20	Bkcy apps and new trial paper
Friday 21	Bkcy apps and new trial paper

N.B.—Admiralty Appeals (with Assessors) will be taken on days to be appointed by the court.

SPECIAL NOTICE.—In consequence of the limited state of the Chan. Appeal List the above general arrangement will be subject to modification by the Judges, of which due notice will appear in the Daily Cause List.

APPEAL COURT, II.

Final and interlocutory appeals from the Chancery, and Probate, Divorce, and Admiralty Divisions (Probate and Divorce), and the County Palatine and Stannaries Courts.

Wed., Oct. 24	App motns ex pte—ordl motns — apps from ords made on interlocutory motns (sep list)
Thursday 25	Chan final apps
Friday 26	Chan final apps
Saturday 27	Chan final apps
Monday 29	App motns ex pte—ordl motns — apps from ords made on interlocutory motns (sep list) and Chan final apps if required
Tuesday 30	Chan final apps
Wednesday 31	Chan final apps
Thursday 1	Chan final apps
Friday 2	Chan final apps
Saturday 3	Chan final apps
Monday 5	Chan final apps
Tuesday 6	Chan final apps
Wednesday 7	Chan final apps

Thursday 8	Chan final apps
Friday 9	Chan final apps
Saturday 10	Chan final apps
Monday 12	Chan final apps
Tuesday 13	Chan final apps
Wednesday 14	Chan final apps
Thursday 15	Chan final apps
Friday 16	Chan final apps
Saturday 17	Chan final apps
Monday 19	Chan final apps
Tuesday 20	Chan final apps
Wed. 21	Chan final apps
Thursday 22	Chan final apps
Friday 23	Chan final apps
Saturday 24	Chan final apps
Monday 26	Chan final apps
Tuesday 27	Chan final apps
Wed. 28	Chan final apps
Thursday 29	Chan final apps
Friday 30	Chan final apps
Sat., Dec. 1	Chan final apps
Monday 3	Chan final apps
Tuesday 4	Chan final apps
Wed. 5	Chan final apps
Thursday 6	Chan final apps
Friday 7	Chan final apps
Saturday 8	Chan final apps
Monday 10	Chan final apps
Tuesday 11	Chan final apps
Wednesday 12	Chan final apps
Thursday 13	Chan final apps
Friday 14	Chan final apps
Saturday 15	Chan final apps
Monday 17	Chan final apps
Tuesday 18	Chan final apps
Wed. 19	Chan final apps
Thursday 20	Chan final apps
Friday 21	Chan final apps

N.B.—Lunacy Petitions (if any) are taken in Appeal Court II. on every Monday at Eleven until further notice.

SPECIAL NOTICE.—In consequence of the limited state of the Chan. Appeal List the above general arrangement will be subject to modification by the Judges, of which due notice will appear in the Daily Cause List.

HIGH COURT OF JUSTICE.

CHANCERY DIVISION.

CHANCERY COURT, I.

MR. JUSTICE CHITTY.

Wed., Oct. 24	Mots
Thursday 25	Non wit list
Friday 26	Mots and non wit list
Saturday 27	Pets, sht caus, opposed pets, procedure sums, and non wit list
Monday 29	Sitting in chambers
Tuesday 30	Non wit list
Wednesday 31	Non wit list
Thurs., Nov. 1	Non wit list
Friday 2	Mots and non wit list
Saturday 3	Pets, sht caus, procedure sums, opposed pets, and non wit list
Monday 5	Sitting in chambers
Tuesday 6	Non wit list
Wednesday 7	Non wit list
Thursday 8	Mots and non wit list
Friday 9	Pets, sht caus, opposed pets, procedure sums, and non wit list
Saturday 10	Sitting in chambers
Monday 12	Sitting in chambers
Tuesday 13	Non wit list
Wednesday 14	Wit list
Thursday 15	Wit list
Friday 16	Wit list
Saturday 17	Wit list
Monday 19	Sitting in chambers
Tuesday 20	Wit list
Wednesday 21	Wit list
Thursday 22	Wit list
Friday 23	Wit list
Saturday 24	Wit list
Monday 26	Sitting in chambers
Tuesday 27	Non wit list
Wednesday 28	Non wit list
Thursday 29	Mots (for North, J) and
Friday 30	Non wit list

Sat., Dec. 1	Pets, sht caus, procedure sums, opposed pets, and non wit list, including unopposed pets for North, J.
Monday 3	Sitting in chambers
Tuesday 4	Non wit list
Wednesday 5	Mots (for North, J) and non wit list
Thursday 6	Pets, sht caus, procedure sums, opposed pets, and non wit list, including unopposed pets for North, J.
Friday 7	Sitting in chambers
Saturday 8	Non wit list
Monday 10	Non wit list
Tuesday 11	Non wit list
Wednesday 12	Mots and non wit list
Thursday 13	Pets, sht caus, opposed pets, procedure sums, and non wit list
Friday 14	Sitting in chambers
Saturday 16	Non wit list
Monday 17	Sitting in chambers
Tuesday 18	Non wit list
Wednesday 19	Mots and non wit list
Thursday 20	Remaining motns and non wit list
Friday 21	Wit list

N.B.—If the state of the non witness list should permit, the witness list will be taken on some days other than those above appointed, and due notice given. When the witness list is being taken, further considerations will not be taken on the Tuesdays.

Any cause intended to be heard as a short cause must be so marked in the cause book at least one clear day before the same can be put in the paper to be so heard. Two copies of minutes of the proposed judgment or order must be left in court with the judge's clerk one clear day before the cause is to be put in the paper.

N.B.—The following Papers on Further Consideration are required for the use of the Judge, viz.: Two Copies of Minutes of the proposed Judgment or Order, 1 Copy Pleadings, and 1 Copy Chief Clerk's Certificate, which must be left in Court with the Judge's Clerk one clear day before the Further Consideration is ready to come into the paper.

CHANCERY COURT, II.

MR. JUSTICE NORTH.

Thurs. Oct. 25	Mots and adj sums
Friday 26	Sht caus, pets, & adj sums
Saturday 27	Sitting in chambers
Monday 29	General paper
Tuesday 30	General paper
Thurs., Nov. 1	General paper
Friday 2	Mots and adj sums
Saturday 3	Sht caus, pets, & adj sums
Monday 5	Sitting in chambers
Tuesday 6	General paper
Wednesday 7	General paper
Thursday 8	Mots and adj sums
Friday 9	Sht caus, pets, & adj sums
Saturday 10	Sitting in chambers
Monday 12	General paper
Tuesday 13	General paper
Wednesday 14	Mots for Mr Justice Chitty and gen pa
Thursday 15	Mots and adj sums
Friday 16	Sht caus, pets, & adj sums, including unopposed pets for Mr Justice Chitty
Saturday 17	Sitting in chambers
Monday 19	General paper
Tuesday 20	General paper
Wednesday 21	Mots for Mr Justice Chitty and gen pa
Thursday 22	Mots and adj sums
Friday 23	Sht caus, pets, & adj sums, including unopposed pets for Mr Justice Chitty
Saturday 24	Sitting in chambers
Monday 26	Sitting in chambers
Tuesday 27	Witness actions
Wednesday 28	Witness actions
Thursday 29	Witness actions
Friday 30	Witness actions
Sat., Dec. 1	Sitting in chambers
Monday 3	Sitting in chambers
Tuesday 4	Sitting in chambers
Wednesday 5	Sitting in chambers
Thursday 6	Sitting in chambers
Friday 7	Sitting in chambers
Saturday 8	Sitting in chambers
Monday 10	Sitting in chambers
Tuesday 11	General paper
Wednesday 12	General paper
Thursday 13	Mots and adj sums
Friday 14	Sht caus, pets, & adj sums
Saturday 15	Sitting in chambers
Monday 17	General paper
Tuesday 18	General paper
Wednesday 19	Mots and adj sums
Thursday 20	Sht caus, pets, & adj sums
Friday 21	Sitting in chambers

Any cause intended to be heard as a short cause must be so marked in the cause book at least one clear day before the same can be put in the paper to be so heard. Two copies of minutes of the proposed judgment or order must be left in court with the judge's clerk the day before the cause is to be put in the paper.

LORD CHANCELLOR'S COURT.

MR. JUSTICE STIRLING.

Wed., Oct. 24...Motions
 Thursday...25...General paper
 Friday...26...Mots, adj sums, and gen pa
 Saturday...27...and gen pa
 Monday...28...Sitting in chambers
 Tuesday...29...General paper
 Wed...30...Mots for Kekewich, J, and
 Thurs., Nov. 1...gen pa
 Friday...2...Mots, adj sums, and gen pa
 and gen pa, including un-
 Saturday...3...opposed pets for Keke-
 wich, J
 Monday...5...Sitting in chambers
 Tuesday...6...General paper
 Wed...7...Mots for Kekewich, J, and
 Thursday...8...gen pa
 Friday...9...Mots, adj sums, and gen pa
 and gen pa, including un-
 Saturday...10...opposed pets for Keke-
 wich, J
 Monday...12...Sitting in chambers
 Tuesday...13...General paper
 Wednesday...14...Mots, adj sums, & gen pa
 Thursday...15...and gen pa
 Friday...16...Sitting in chambers
 Monday...19...Sitting in chambers
 Tuesday...20...General paper
 Wednesday...21...Mots, adj sums, and gen pa
 Thursday...22...and gen pa
 Friday...23...Sitting in chambers
 Saturday...24...General paper
 Thurs...28...Mots, adj sums, and gen pa
 Friday...29...Sitting in chambers
 Sat., Dec. 1...Mots, adj sums, and gen pa
 and gen pa
 Monday...3...Sitting in chambers
 Tuesday...4...Witness actions
 Wednesday...5...and gen pa
 Thursday...6...Sitting in chambers
 Friday...7...Witness actions
 Saturday...8...Sitting in chambers
 Monday...10...Sitting in chambers
 Tuesday...11...Witness actions
 Wednesday...12...Sitting in chambers
 Thursday...13...Witness actions
 Friday...14...Sitting in chambers
 Saturday...15...Sitting in chambers
 Mon...17...Sitting in chambers

Tuesday...18

Wed...19

Thursday...20

Friday...21

Mots, adj sums and gen pa

Any cause intended to be heard as a short

cause must be so marked in the cause

book at least one clear day before the

same can be put in the paper to be so

heard, and the necessary papers, includ-

ing minutes of the proposed judgment or

order, must be left with the judge's clerk

one clear day before the cause is to be

put in the paper.

CHANCERY COURT, IV.

MR. JUSTICE KEKEWICH.

Subject to any special announcement

arising out of the arrangement for the

disposal of Witness Actions, the follow-

ing will be the Order of Business accord-

ing to the days of the week:—

Monday—Sitting in Chambers.

Tuesday, Wednesday, Thursday—General

Paper.

Friday (except Nov. 2 and Nov. 9)—Motions

and Non-Witness Actions or Ad-

journd Summons.

N.B.—Wednesday, Oct. 24 (the first day of

the Sittings), will also be a Motion day.

Saturday—Short Causes, Petitions, and

Non-Witness Actions or Adjournd Sum-

mons.

Actions for Trial with Witnesses will be

taken on Tuesday, Oct. 30, and continued

until the end of the following week.

Motions and urgent Applications will be

heard during that period by Mr. Justice

Stirling.

Liverpool and Manchester Business will be

taken as follows:—

Motions on days appointed for Motions.

Short Causes, Petitions, and Adjournd

Summons on Saturdays.

Summons in Chambers on Friday After-

noons, Liverpool and Manchester Sum-

mons being taken on alternate Fridays,

commencing with Manchester Summons

on Friday, Oct. 26.

CHANCERY COURT, III.

MR. JUSTICE ROMER.

Actions transferred for Trial or Hearing

only will be taken in the order in the

Cause List on every day of the Sittings,

from Oct. 24 to Dec 21, both inclusive.

COURT OF APPEAL.

MICHAELMAS SITTINGS, 1894.

APPEAL COURT I.—NOTICES.

Queen's Bench Interlocutory Appeals will be taken in Court I. on Wednesday, Oct 24, and afterwards on every Monday in Michaelmas Sittings. Bankruptcy Appeals will be taken on Friday, Oct 26, and following Fridays.

Queen's Bench Final Appeals and New Trial Motions will be taken in Court I. in alternate weeks during the Sittings. New Trial Motions will be taken in Court I. on Thursday, Oct 25, and following days in that week. Final Appeals in the second week.

On Mondays and Fridays Final Appeals or New Trial Motions will be taken if there are not enough Interlocutory or Bankruptcy Appeals for a day's Paper.

Admiralty Appeals (with Assessors) will be taken in Court I. on days specially appointed by the Court, notice of which will appear in the Daily Cause List.

APPEAL COURT II.—NOTICES.

N.B.—Interlocutory appeals from the Chancery and Probate and Divorce Divisions will be taken in Court II. on Wednesday, Oct 24, and afterwards on every Wednesday in Michaelmas Sittings.

N.B.—Subject to Chancery interlocutory appeals on Wednesdays, Chancery final appeals will be taken every day in Court II. until further notice.

N.B.—When the interlocutory appeals are not enough for a day's paper, Chancery final appeals will be added on interlocutory days.

Appeals from the Lancaster and Durham Palatine Courts (if any) will be taken in Court II. on Thursday, Nov 1, and on Thursday, Dec 6.

SPECIAL NOTICE.—In consequence of the limited state of the Chancery Appeal list, the above general arrangement will be subject to modification by the judges, of which due notice will appear in the daily cause list.

FROM THE CHANCERY DIVISION.

For Judgment.

Halsbury v Hanbury (Divorce) app of respondent from order of Lords Justices Lindley, Lopes and Kay, dated April 11, 1894 (c a v July 30—present, Lords Justices Lindley and Davey)

FROM THE CHANCERY DIVISION.

(Final List.)

1894.

Murrieta & Co ld v Inter-Oceanic Ry of Mexico app of dfts Sanchez & Co from order of Off Referee, dated June 29, 1893 part heard (restored) March 31

In re The Robertson Tyre Syndicate ld & Co's Acts app of Co from order of Mr Justice Chitty, dated June 22, 1894 (security ordered) July 6

In re Jaggard Jaggard v Jaggard app of dft H Jaggard from order of Mr Justice Kekewich, dated June 23, 1894 (security ordered) July 10

Mayor, &c, of Bedford v Pickles app of dft from order of Mr Justice North, dated May 9, 1894 July 13

Bettini v Royal Academy of Music appl of pltf from verdict of jury for new trial order of the President, dated June 28, 1894 (Probate) July 6

Wyatt v Fisher appl of T D Hart from order of Mr. Justice Stirling, dated July 7, 1894 (order not perfected) July 21

Kemp v Wright appl of dft W Wardell from order of Mr Justice Kekewich, dated May 10, 1894 July 25

Mayor, &c, of Halifax v The Mayor, &c, of Morley appl of defts from order of Mr Justice Kekewich, dated May 1, 1894 August 1

In re Maplin Sands and In re the Defence Acts, 1842 to 1860 appl of the Guernsey Commercial Banking Co from order of Mr Justice Kekewich, dated July 14, 1894 August 3

In re Rymer Rymer v Stanfield appl of Attorney-General from order of Mr Justice Chitty, dated June 12, 1894 August 4

In re McHenry, dec, McDermott v Boyd app of C J Lee from order of Mr Justice North, dated May 29, 1894 (order not perfected) August 7

In re The South American and Mexican Co ld and Co's Acts app of G S Barnes from order of Mr Justice Vaughan Williams, dated July 20 1894 Aug 8

In re Maplin Sands and In re the Defence Acts, 1842 to 1860 app of H Dinm from order of Mr Justice Kekewich, dated July 14, 1894 Aug 8

Barry Ry Co v Taff Vale Rys app of plts from order of Mr Justice Chitty, dated July 17 Aug 9

Rhodes v Moules app of plt from order of Mr Justice Kekewich, dated June 26, 1894 Aug 11

Shelfer v City of London Electric Lighting Co ld app of plt from order of Mr Justice Kekewich, dated April 19, 1894 Aug 11

In re The Mexican Mineral Ry Co ld and Co's Acts app of petr from order of Mr Justice Vaughan Williams, dated Aug 1, 1894 (order not perfected) Aug 13

Wise v Metropolitan Electric Supply Co ld app of defts from judgt of Mr. Justice Stirling, dated April 27, 1894 Aug 16

Pledge v Carr app of plt from order of Mr. Justice Romer, dated April 13, 1894 August 17

McIlquham v Taylor app of dft from order of Mr Justice Stirling, dated August 7, 1894 August 20

Lancashire v Hunt app of dft from order of Mr Justice Wright (sitting, &c), dated April 28, 1894 August 22

In re Taylor Smith Taylor Smith v Taylor Smith app of plt from order of Mr Justice Chitty, dated May 30, 1894 August 23

In re the Midland Coal, Coke, and Iron Co ld & Co's Acts, 1862 to 1890 app of W G Craig from order of Mr Justice Wright (sitting, &c), dated July 5, 1894 August 23

Gibson v Alston app of defts J C Low & ors from order of Mr Justice Romer, dated June 26, 1894 August 31

Price v Engall app of dft from order of Mr Justice Romer, dated August 8, 1894 Sept 7

In re The Railway Time Tables Publishing Co ld & Co's Acts, 1862 to 1890 app of T A Wilton from order of Mr Justice Kekewich, dated August 7, 1894 Sept 19

Tyrrell v Palaton (Probate) app of plt from order of the Lord Chief Justice, dated Sept 23, 1894 Oct 9

Gwynne v Drewitt app of dfts from order of Mr Justice Romer, dated May 31, 1894 Oct 10

FROM THE COUNTY PALATINE COURT OF LANCASTER.

(Final List.)

1894.

Shaw v Mayor, &c of Eccles appl of plt from order of Vice-Chancellor of County Palatine of Lancaster, Manchester District, dated May 31, 1894 July 19

Wadla v Walker appl of dft from order of Vice-Chancellor of County Palatine of Lancaster, dated July 3, 1894 August 6

In re J Kerr Rowland v Kerr app of dft S F Kerr from order of Vice-Chancellor of County Palatine of Lancaster, dated August 8, 1894 August 31

FROM THE CHANCERY DIVISION.

(Interlocutory List.)

1894.

Companies Winding up In Re The General Phosphate Corporation, ld & Co's Acts app of G S Barnes, Official Receiver, from order of Mr Justice Vaughan Williams, dated April 23, 1894 May 9

In re Fenton, Solr, &c appl of M Cathcart in Person from order of Mr Justice Kekewich, dated June 28, 1894 July 13

The Burgess Hill Constitutional Club v Seager appl of dft J H Seager from order of Mr Justice Kekewich, dated July 27, 1894 July 31

Somerset v The Lands Securities Co, ld app of the registrar of the office of Land Registry from order of Mr Justice Wright (sitting, &c), dated June 28, 1894 (order not perfected) August 1

In re Lumley, gent, &c appl of Mary Cathcart in person from order of Mr Justice North (order not perfected) August 4
 Boyd v Bischoffsheim appl of pltf from order of Mr Justice North, dated July 19, 1894 (dismissing action against deft E McDermott) order not perfected August 18
 Boyd v Bischoffsheim appl of pltf from same order (dismissing action against deft H L Bischoffsheim) order not perfected August 18
 Boyd v Bischoffsheim appl of pltf from same order (dismissing action against deft E R McDermott) order not perfected August 18
 Smith v Bridson appl of deft H G Smith from order of Mr Justice Kekewich, dated August 9, 1894 (order not perfected) August 22
 H M Knight & Co v Rees appl of pltf from order of Mr Justice Kekewich, dated Aug 10, 1894 (order not perfected) August 29

FROM THE QUEEN'S BENCH DIVISION.

For Hearing.

(Final List.)

1894.

Grainger v Gough (Q B Revenue Side) app of Grainger & Son from judgt of Justices Mathew & Cave at trial, dated Feb 23, 1894 (s o apply to restore) March 20
 Att Gen v Worrall, by English information (Q B Revenue Side) by English information app of defts from judgt of Justices Mathew & Cave at trial, dated March 2, 1894 (s o apply to restore) March 20
 J Lysaght ld v Coleman app of pltf from judgt of Mr Justice Wills, dated March 9, at trial with a special jury at Bristol April 5
 Wegg-Prosser v Evans app of deft from judgt of Mr Justice Wills, dated April 14, at trial without a jury in Middlesex April 25
 The Corporation of the City of Sheffield v Alexander and ors (Q B Crown Side) app of pltf from judgt at trial of Justices Charles and Bruce, dated April 18, 1894 May 24
 Muirhead v Commercial Cable Co app of dfts from judgt of Mr Justice Kennedy, dated April 28, 1894, at trial without a jury in London May 24
 Freeman & ors v Saunders app of dft from judgt of Mr Justice Charles, dated May 9, 1894, at trial without a jury in Middlesex May 25
 Peck v Peck app of pltf from judgt of Mr Justice Lawrence, dated May 8, 1894, at trial and a common jury in Middlesex June 4
 Stephens v Banner app of pltf from judgt of Mr Justice Kennedy, dated December 21, 1893, at trial without a jury, and cross notice of deft, dated May 30, 1894, and motion of deft for striking out of List pltf's app from same order, on ground that time has elapsed for appealing, &c June 6
 Field v Povah app of pltf from judgt of Mr Justice Charles, dated May 24, 1894, at trial without a jury in Middlesex June 7
 Bonning v Jones app of pltf from judgt of T H Bayliss, Esq, Presiding Judge of Court of Passage, Liverpool, dated May 28, 1894 June 9
 Perken v Roberts app of deft F H Roberts from judgt of Mr Justice Hawkins, dated March 19, 1894, at trial and a special jury in Middlesex June 13
 Wood v Baker app of defts from judgt of Mr Justice Hawkins, dated May 28, 1894, at trial and a special jury in Middlesex June 14
 D Owen & Co v Cronk app of pltf from judgt of Mr Justice Charles, dated June 8, 1894, at trial without a jury in Middlesex June 14
 Midland Ry Co v Guardians of the Poor of the Edmonton Union app of defts from judgt of Mr Justice Charles, dated May 30, 1894, at trial without a jury in Middlesex June 14
 In re an Arbn between Sarl & Bartlett app of Joseph Sarl from judgt of Justices Cave & Collins, dated June 4, 1894 June 16
 Lorymer v Mayor, &c of Bristol app of defts from judgt of Mr Justice Charles, dated June 9, 1894, at trial without a jury in Middlesex June 26
 Nichols v North Met Ry & Canal Co app of defts from judgt of Mr Justice Charles, dated June 16, 1894, at trial without a jury in Middlesex June 28
 Hydarnes Steamship Co, ld v Indemnity Mutual Marine Assee Co, ld app of pltf from judgt of Mr Justice Wills, dated June 23, 1894 June 28
 In re The Building Societies Act, 1874 In re The Co's Acts, 1862 to 1893 In re The Liberator Permanent Benefit Bldg Soc (Q B Crown Side) app of H G Wright from judgt of Justices Cave and Collins, dated June 14, 1894 June 30
 Brain v Herrick app of pltf from judgt of Mr Justice Wills, dated April 17, 1894 (Security order) July 9
 Keeble v Luchana Mining Co, ld app of pltf from judgt of Mr Justice Charles, dated June 5, 1894, at trial without a jury in Middlesex July 13
 Deniston & Co v Zimmerman app of pltf from judgt of Mr Justice Vaughan Williams, dated July 9, at trial without a jury July 16
 B W Miller & Co ld v Gommer app of dft from judgt of Mr Justice Lawrence, dated June 30, 1894 July 17
 Woodwell v Kirby app of pltf from judgt of Mr Justice Wills, dated June 23, 1894, at trial without a jury in Middlesex July 19
 Pepperwell v The Star Life Assee Soc app of pltf in person from judgt of Mr Justice Mathew, dated June 4, 1894, at trial with a special jury in Middlesex July 21
 Foster v London, Chatham, & Dover Ry Co app of pltf from judgt of Mr Justice Mathew, dated 30, June 1894, at trial with special jury in Middlesex July 30
 Reid v Wilson & Ward app of pltf from judgt of Mr Justice Mathew, dated July 30, 1894, at trial with special jury in Middlesex Aug 2

Reid v Wilson & King app of pltf from judgt of Mr Justice Mathew, dated July 30, 1894, at trial with special jury in Middlesex Aug 2
 Bass v The Mayor, &c, of Leicester app of pltf from judgt of Baron Pollock, dated July 3, 1894, at trial without a jury, Leicester Aug 3
 Harding & Co v Podmore app of deft from judgt of Mr Justice Charles, dated July 24, 1894, at trial without a jury, Stafford Aug 3
 Haywood v E C Bull & anr app of dfts from judgt of Mr Justice Mathew, dated July 16, 1894, at trial without a jury in Middlesex Aug 3
 J Neve & Co v Bull (Q B Crown Side) app of defts from judgt of Justices Mathew and Kennedy, dated July 31, 1894 August 8
 Townson v The Bowness Local Board app of defts from judgt of Mr Justice Collins, dated July 19, 1894, at trial without a jury, Appleby August 10
 Young v Herbert Morris & anr app of deft from judgt of Mr Justice Charles at Birmingham, dated August 10, 1894 August 14
 Alabaster v Harness app of deft C B Harness from judgt of Mr Justice Hawkins, dated August 10, 1894 August 15
 The Trustee of John Burns-Burns v Brown app of defts from judgt of Mr Justice Vaughan Williams, dated August 7, 1894, at trial without a jury in Middlesex August 15
 Hanfstaengl v American Tobacco Co app of pltf from judgt of Baron Pollock, dated August 10, 1894, at trial without a jury in Middlesex August 16
 General Hydraulic Power Co v Fortescue app of deft from judgt of Mr Justice Hawkins, dated June 15, 1894, at trial without a jury in Middlesex August 17
 Gray v Bartholomew app of pltf from judgt of Mr Justice Hawkins, dated June 23, 1894, at trial without a jury, Reading Aug 17
 Scott v Blythe app of C Blythe from judgt of Mr Justice Bruce, dated July 20, 1894, at trial without a jury in Middlesex Aug 20
 In re an Arbn between the Sunderland Steamship Co ld & the North of England Iron Steamship Assoc app of the Sunderland Steamship Co ld from judgt of Justices Mathew & Kennedy, dated August 7, 1894 Aug 21
 Moore v The Vestry of the Parish of Fulham app of pltf from judgt of Mr Justice Day, dated July 27, 1894, at trial without a jury in Middlesex Aug 24
 Scholfield v Earl of Lonsborough app of pltf from judgt of Mr Justice Charles, dated June 6, 1894, at trial without a jury in Middlesex Aug 25
 Smith v Anderson app of pltf from order of Mr Justice Cave, dated June 28, 1894, at trial without a jury in Middlesex Aug 31
 Kirkaldy v Eskon app of dft from judgt of Mr Justice Cave, dated June 26, 1894, at trial without a jury in Middlesex Sept 14

FROM PROBATE, DIVORCE, AND ADMIRALTY DIVISION (ADMIRALTY).

For Hearing.

With Nautical Assessors.

1894.

Ship Penelope—1894—Folio 215 (salvage) Owners of Aldborough & ors v Owners of Penelope, Cargo and Freight app of pltf from judgt of Mr Justice Bruce, dated July 3, 1894 July 27
 Ship Faedrelandet—1894—Folio 166 (damage) Hans Mojenzen v Owners of Faedrelandet app of dfts from judgt of the President, dated July 13, 1894 July 27

FROM THE QUEEN'S BENCH DIVISION.

(New Trial Paper.)

1894.

Linton v Wilkinson & Baker appln of pltf for judgt or new trial on app from verdict and judgt, dated July 3, 1894, at trial before Mr Justice Day and special jury, Lewes July 24
 Parr v Miller appln of pltf for judgt or new trial on app from verdict and judgt, dated April 26, 1894, at trial before Mr Justice Wright without jury, Middlesex July 25
 Reddaway v Banham app of dfts for judgt or new trial on app from verdict and judgt, dated July 31, 1894, at trial before Mr Justice Collins and special jury, Manchester July 31
 Latter v Goolden & Co appln of pltf for judgt or new trial on app from verdict and judgt, dated July 16, 1894, at trial before Mr Justice Lawrence and common jury, Middlesex August 7
 Milledge v Gill appln of deft for judgt or new trial on app from verdict and judgt, dated August 1, 1894, at trial before Mr Justice Hawkins and common jury, Middlesex August 7
 Titterton v Shalcross appln of deft for judgt or new trial on app from verdict and judgt, dated July 24, 1894, at trial before Mr Justice Charles and common jury, Sheffield Aug 8
 Ford v Bray appln of deft for judgt or new trial on app from verdict and judgt, dated August 9, 1894, before Mr Justice Cave and special jury, Leeds August 9
 Latter v Goolden appln of pltf for judgt or new trial on app from verdict and judgt, dated July 24, 1894, at trial before Mr Justice Lawrence and common jury, Middlesex August 10
 Reid v Wilson & Ward appln of pltf for judgt or new trial on app from verdict and judgt, dated June 29, 1894, at trial before Mr Justice Mathew and special jury, Middlesex August 11
 Reid v Wilson & King appln of pltf for judgt or new trial on app from verdict and judgt, dated June 29, 1894, at trial before Mr Justice Mathew and special jury, Middlesex Aug 11
 Ashford v The Cheap Wood Co appln of defts from judgt or new trial on app from verdict and judgt, dated August 3, 1894, at trial before Mr Justice Charles and special jury, Birmingham Aug 15

R Thompson & Co v Ditchfield appln of deft in person for judg or new trial on appl from verdict and judg, dated August 6, 1894, at trial before Mr Justice Collins, with jury, Liverpool August 17
 Farr v Chapman & Sons appln of pltf for judg or new trial on appl from verdict and judg, dated July 30, 1894, at trial before the Lord Chief Justice and special jury, Middlesex Aug 20
 Bean v Moore appln of deft for judg or new trial on appl from verdict and judg, dated June 4, 1894, at trial before Mr Justice Wright and common jury, Middlesex October 11

FROM THE QUEEN'S BENCH DIVISION.

Appeals.

(In Bankruptcy.)

1894.

In re Sturgeon & Maimon (expte Off Rec) from order of Registrar refusing to adjourn public examination of Bernard Maimon, sine die, and refusing to adjudicate the said Bernard Maimon a bankrupt
 In re Mulloney, S W (expte The Debtor) against a receiving order made by Mr Registrar Hope, dated September 12, 1894
 In re Nordenfelt, T (expte The Maxim Nordenfelt Guns and Ammunition Co, ld against order, dated Aug 15, 1894, made by Mr Registrar Brougham, dismissing petition
 In re Bolonachi, A J M (expte Balian) against order, dated Sept 24, 1894, made by Mr Registrar Hope, dismissing petition
 In re Alderson (expte Alice Alderson) against order of Mr Justice Vaughan Williams, dated July 17, 1894

FROM THE QUEEN'S BENCH DIVISION.

(INTERLOCUTORY LIST.)

1894.

Chatterton v Secretary of State in Council app of plt in person from order of Justices Mathew and Day, dated July 19, 1894 (s o by order Aug 9, 1894)
 The Queen v Chew (Q B Crown Side) app of G Fletcher from order of Justices Mathew and Kennedy, dated July 26, 1894 Aug 1
 The Queen v The Trustees of Essex (Q B Crown Side) app of the Assessment Committee of West Ham Union from order of Justices Mathew and Day, dated July 19, 1894 Aug 3
 The Queen v The Vestrymen of the Parish of St Marylebone (Q B Crown Side) app of prosecutor from order of Justices Mathew and Day, dated July 18, 1894, and cross notice of app of dfes, dated Aug 11, 1894 Aug 4
 Schreiber v Heymann app of plt from order of Baron Pollock and Mr Justice Day, dated July 30, 1894 Aug 10
 Allwood v Thirsk District Water Co app of plt from order of Justices Hawkins and Lawrence, dated Aug 9, 1894 Aug 13
 Taff Vale Ry Co v Houghton (Perch 3rd party) app of deft Houghton from order of Justices Mathew and Kennedy, dated August 8, 1894 August 15
 Tuteur v Simon app of deft from order of Justices Hawkins and Lawrence, dated Aug 8, 1894 Aug 16
 Guilford v Lambeth app of deft from order of Justices Hawkins and Lawrence, dated Aug 10, 1894 Aug 18
 Stephens v Banner app of pltf from order of Justices Hawkins and Lawrence, dated Aug 20, 1894 Aug 20
 Stockholm v Richards app of deft from order of Justices Mathew and Lawrence, dated August 10, 1894 Aug 23
 Greenock Steamship Co ld v Blackwood app of dfes from order of the Lord Chief Justice, dated Oct 4, 1894 Oct 6
 The Queen Anne's Mansions Lighting, &c, Co v Renshaw app of pltf from order of the Lord Chief Justice, dated Oct 4, 1894 Oct 11
 N.B.—The above Lists contain Chancery, Palatine, and Queen's Bench Final and Interlocutory Appeals set down to Thursday, Oct 11, inclusive.

HIGH COURT OF JUSTICE.

CHANCERY DIVISION.

MICHAELMAS SITTINGS, 1894.

Notices relating to the Chancery Cause List.

Motions, Petitions, and Short Causes will be taken on the usual days stated in the Michaelmas sittings paper, with the following exceptions—viz.:

Mr. Justice Chitty.—In consequence of Mr. Justice Chitty sitting for the disposal of his lordship's own witness list from Tuesday, Nov 13, until Saturday, Nov 24 (inclusive), his lordship's motions and unopposed petitions will be taken by Mr. Justice North—that is to say, motions on Thursday, Nov 15, and Thursday, Nov 22; unopposed petitions on Saturday, Nov 17, and Saturday, Nov 24. When the witness list is being taken, further considerations will not be taken on Tuesdays.

Mr. Justice North.—In consequence of Mr. Justice North sitting for the disposal of his lordship's own witness list from Tuesday, Nov 27, until Saturday, Dec 8 (inclusive), his lordship's motions and unopposed petitions during that time will be taken by Mr. Justice Chitty—that is to say, motions on Thursday, Nov 29, and Thursday, Dec 6; unopposed petitions on Saturday, Dec 1, and Saturday, Dec 8.

Mr. Justice Stirling.—In consequence of Mr. Justice Stirling sitting for the disposal of his lordship's own witness list from Tuesday, Dec 4, until Saturday, Dec 15 (inclusive), his lordship's motions and unopposed petitions during that time will be taken by Mr. Justice Kekewich—that is to say, motions on Thursday, Dec 6, and Thursday, Dec 13; unopposed petitions on Saturday, Dec 8, and Saturday, Dec 15. N.B.—If the state of business admits, his lordship may take the witness list on days in

addition to those above appointed, of which due notice will be given in the Daily Cause List.

Mr. Justice Kekewich.—Subject to any special announcement arising out of the arrangement for the disposal of witness actions, the order of business before Mr Justice Kekewich will be as stated on the sittings paper. Actions for trial with witnesses will be taken on Tuesday, Oct 30, and continued until the end of the following week. They will also be subsequently taken on Tuesday, Wednesday, and Thursday, when the state of other business before the court permits.

Liverpool and Manchester Business.—Mr. Justice Kekewich will take Liverpool and Manchester business as follows:—

1. Motions on days appointed for motions.
2. Short causes, petitions, and adjourned summonses on Saturdays.
3. Summonses in chambers will be taken on Friday afternoons, Liverpool and Manchester summonses being taken on alternate Fridays, commencing with Manchester summonses on Friday, Oct 26.

Mr Justice Romer will take witness actions every day in the order as they stand in his lordship's cause book

Summonses before the judge in chambers.—Justices Chitty, North, Stirling, and Kekewich will sit in court the whole day on every Monday during the sittings to hear chamber summonses

Summonses adjourned into court will be taken (subject to the witness list) as follows:—Mr Justice Chitty, with non-witness actions, except procedure summonses, which (if any) are taken every Saturday; Mr Justice Stirling, with non-witness actions; Mr Justice North on Fridays and Saturdays; Mr Justice Kekewich on Fridays and Saturdays, and also on other days as the judges may direct

SPECIAL NOTICE WITH REFERENCE TO THE CHANCERY WITNESS LISTS.

During Michaelmas Sittings the judges will sit for the disposal of their own witness lists as follows:—

Mr Justice Kekewich will begin on Tuesday, Oct 30, and sit continuously (Monday, Nov 5, excepted), until Saturday, Nov 10.

Mr Justice Chitty will begin on Tuesday, Nov 13, and sit continuously (Monday, Nov 19, excepted), until Saturday, Nov 24.

Mr Justice North will begin on Tuesday, Nov 27, and sit continuously (Monday, Dec 3, excepted), until Saturday, Dec 8.

Mr Justice Stirling will begin on Tuesday, Dec 4, and sit continuously (Monday, Dec 10, excepted) until Saturday, Dec 15.

During the fortnight when a judge is engaged on his witness list, motions in causes or matters assigned to him (including ex parte motions, but not including motions relating to the postponement of the trial or hearing of any cause or matter in his lordship's list) and also unopposed petitions assigned to him, will be heard by one of his colleagues as follows:—

Those assigned to Mr Justice Kekewich will be heard by Mr Justice Stirling

Those assigned to Mr Justice Chitty will be heard by Mr Justice North

Those assigned to Mr Justice North will be heard by Mr Justice Chitty

Those assigned to Mr. Justice Stirling will be heard by Mr. Justice Kekewich

Chancery Causes for Trial or Hearing.

(Set down to Thursday, Oct 11, inclusive.)

Before Mr. Justice CHITTY.

Causes for trial (with witnesses).

The Imperial Ottoman Bank v The Trustees and Executors, &c, Corporation, ld act

Cook v Herbert act

Davis v Jewell act (pleadings to be delivered)

Selfe v Parkinson act

Re John Jones' Patent No. 16,445 of 1889 Petn for revocation of Patent with writs by order, 7th March, 1894

Sanguinetti v Stuckey's Banking Co ld act

Buss v Buss act

Re Camp Camp v Dagg act

Benedictus v Sullivan Powell & Co ld act

Page v The Eling School Board act Southampton D R

Davies v Treharris Brewery Co ld act

In re The Sovereign Life Assurance Co & Co's Acts adjd claim (set down in Witness List by direction of chief clerk)

Handley v Smith act & m f j

Savage v Adam act

Bradley v Braddon act

In re Bateson, Johnson v Bateson, act

Reuter's Telegram Co ld v Earl's Court Exhibition ld, 1893 act

Grenier v Outram act (first day of Witness Actions)

Robinson v Clapp act

Shenton v Smith act

Sellers v Travell act

Mallison v Asquith act

Stubbs v Spencer act

Trubench v Newland's West Griqualand Diamond Mines ld & ore act

In re Butterfield, Butterfield v Puckett act

Leonhardt & Co v Kalle & Co act (no pleadings)

Harris v Tapnell act

Browerton v Townsend act

Lee v Lee act & m f j

Husey v Bailey act (no pleadings)

Phillips v Phillipps act & m f j

Michell v Robinson act

Trimble v Bonstead act (no pleadings)

Tarback v Johnson act

Topping v Downes act

Causes for Trial (without witnesses). Brivin v Peillon adjd sums pt hd (restored)

Turner v Tinkler m f j (restored)

In re Wertheimer, Wertheimer v Rothschild adjd sums

In re Hartmann's Settlements, Heywood v Hartmann adjd sums

In re Barrett, Barrett v Field adjd sums

In re Deal, Grimwood v Deal adjd sums

In re Sharp, Scamell v Smith adjd sums

Slims v Official Trustees of Charitable Lands adjd sums

Aldy v Brown motn (ordered to go into Non-Witness List)

In re the Conservative Benefit Building Soc adj sums
 In re Graham, Graham v Noakes adj sums
 In re The Marine and General Land, &c, Co, ld & Co's Acts adj sums
 In re Negus, a Solr (taxation) adj sums
 In re Betts, Gladstone v Nacnaughten adj sums
 Singer v Godden m f j
 In re Ruddock, Veness v Ruddock adj sums
 In re Turner, Turner v Spencer adj sums
 In re Todd, Todd v De Horne adj sums
 In re Maclean, Williams v Nelson adj sums
 In re Garden, Gardner v Hallett, adj sums
 In re Tarratt, Briacoe v Wood adj sums
 Partridge v Nichols adj sums
 In re Jersey, Villiers v Ridley adj sums
 Pontifex v Pontifex adj sums
 In re Burrell, Hewitt v Burrell adj sums
 In re St Dionis Backchurch Fund and Charitable Trusts Act adj sums
 In re Walker, Shaw v Budden adj sums
 Van der Pant v Clark adj sums
 In re W Furze, Furze v Furze adj sums
 In re Ely, Marden v Ely adj sums
 In re Seal's Estate adj sums
 Rickards v Butler adj sums
 In re D M Spital's Estate adj sums
 Hirst v Tannett m f j
 In re Blake, Brennan v The Queen petn of right
 Copenhagen (Mashonaland) Co ld v Campbell act
 Heaketh v Lord Halton m f j
 Hughes v Clarke m f j
 In re Deans & Vincent & V & P Act, 1874 adj sums
 In re Arkwright Pierrepont v Warrender adjd sums
 In re Cooper Bragg v Gurney adjd sums
 Kendall v Bailey motn for judgt (short)
 In re Graham Bowen v Graham adjd sums
 In re Seymour Seymour v Seymour adjd sums
 In re Ford Patten v Sparks motn ordered to go into adjd sums list
 Further Considerations.
 Mayor v Jones fur con (not before Nov 1)
 In re Morine Browne v Browne fur con
 Paley v The Russia Copper Co ld fur con
 Sudbury v Hornby fur con
 In re Blackburn Newell v Blackburn fur con
 In re Marshall Marshall v Marshall fur con
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 Before Mr. Justice North.
 Causes for Trial (with witnesses).
 Mid-Kent Fruit Factory, ld v Saunders, Hawksford, Bennett, & Co act
 Crichton v Crichton act and adj sums
 Hoveler v Sugden & Pound act (transferred from Chitty, J)
 In re Smith Wood v Smith act & third party notice of dfts W & Jones and ans
 Sercombe v Osman act
 Att-Gen v North Metropolitan Trams Co act
 In re Grindley Challinor v Grindley act

Heaketh v Stratford upon Avon, Towcester, and Midland Junction Ry Co act & m f j claim & counter-claim
 Bryant v Pusser act
 Lea & Perrins v Roberts act
 Dickinson v Mines Contract Co, ld act
 Yates v Lloyd act
 Att-Gen v Harlow act
 Lockyer v Harvey act
 Onslow v Manchester & Sheffield Ry Co act & m f j
 Colman v Boyd act
 Helmore v Rugg act
 Hanna v Wilson act
 Leigh v Devas act
 Eddison v Jarmain act & m f j
 Sibley v Plaskitt act
 Blockley v Sheard act
 Somervell Bros v Abbott & Sons act
 Hamlyn v Provident Clerks' Mutual Life Assoc Assoc act
 In re Jefferies Jefferies v Jefferies act
 In re Aldridge Miller v Aldridge act
 Sharman v L & S W Money Credit, & Co ld act
 Harman v Lawson act
 Armstrong v Monkhouse (1893—A—721) act
 Armstrong v Monkhouse (1893—A—722) act
 Armstrong v Monkhouse (1893—A—723) act
 Marvin v Taylor act
 Causes for trial (without witnesses).
 Re Swaffield, Robertson v Swaffield act
 Morgan v Williams motn for judgt (short)
 Cradock v Witham act & adjd sums (set down by Order dated May 30, 1894)
 The Indigo Co ld v Gladstone motn to vary (to go into non-witness list by order) & adjd sums
 Adjourned Summonses.
 Foreign & American Trust Co, ld v Sloper pt hd
 Hanning v Klementaski (to come on with fur con)
 In re Rice Rice v Solomon Farmers' & Cleveland Dairies Co, ld v Watson
 In re Ford Patten v Sparks
 In re Woodcock Patten v Sparks
 Re Piercy Whitwam v Piercy
 O'Meara v Santa Fe Land Co, ld
 In re Harris Smith v Harris
 In re Knapp Knapp v Vassall
 In re O'Shea Courage v O'Shea
 In re National Provincial Bank, ld & Marsh & V & P Act, 1874
 In re R Raphael, &c (taxation)
 In re Somerset Hotel Co, ld Pillers v Somerset Hotel, ld
 Yorke v Hardwicke
 Yorke v Yorke
 In re Hartshorne Hartshorne v Hartshorne
 In re Lock Roe Jeune v Stuart
 Quilhampton v Peruvian Corpn, ld (piffs)
 Same v Same (defts)
 Stafford v Southam
 In re Abdy Rabbeth v Donaldson
 In re Knight Moy v Knight
 In re Rolls Rolls v Meredith (payment into court)
 In re Same Same v Same (delivery of deeds)
 In re Board Knight v Knight
 In re Schwind & Soelick & V & P Act, 1874
 In re Deare Deare v Deare
 In re Jones Jones v Barry
 In re Williams's Settled Estates &

Settled Land Acts
 In re Forester Jervis v Forester
 In re Isaacs Isaacs v Herbert
 In re Goodall Goodall v Goodall
 In re Cook & Bletcher's Contract & V & P Act, 1874
 In re The Balkis Consolidated Co ld & Co's Acts
 Republic of Chili v Royal Mail Steam Packet Co
 In re Olney Olney v Passmore
 In re Fremre Fremre v Fremre
 In re Whiting Clark v Whiting
 In re Good St Barbe v Good
 Attorney-Gen v North Metropolitan Trams Co
 In re Gower & Burton & V & P Act, 1874
 In re Thistlewayte Clinton v Naugle
 In re Woodin Woodin v Glass
 In re Maynard Hay v Maynard
 Landowners, &c, Co v Ashford
 In re Leighton Edwards v West
 Cozens-Hardy v Norwich & Norfolk Investment Corpn ld
 In re McConnell Banister v Murray
 Clapham v Latimer, Clark, Muirhead and Co, ld
 In re Rigg Rigg v Rigg Stephenson
 In re M Birley Clarke v Crouzet
 In re W Birley Clarke v Crouzet
 In re Butler Haddon v Greatorex
 Further Considerations.
 Wood v Slinn fur con after special Referee's report pt hd
 Hodgson v De Voysey fur con after Off Referee's report and 2 motns to vary
 In re Squire Squire v Lankester fur con
 Mills v Mitchell fur con
 Lowther v Jersey Rys Co, ld fur con
 —
 Before Mr. Justice STIRLING.
 Causes for Trial (with witnesses).
 Re Llewellyn Crawhall v Llewellyn act (claim and counter-claim)
 Jukes v Stanham act & adjd sums
 Stanford v Horsham Local Board act
 Lowenfeld v Mackusick act
 In re Norwood's Patents, No 21,199 A.D. 1891, and No. 21,374 A.D. 1891, & Patents, &c, Acts petn (ordered to be entered in witness list)
 Merry v Hooper act
 Taylor v Wallis act
 Jeffreys v Jeffreys act & m f j
 Shaw v Barton act
 Hanfstaengl v Empire Palace, ld act
 Lawton v Beutner & Co act
 Wansey, Bowen, & Co v Donisthorpe act (without pleadings)
 Powell v The Birmingham Vinegar Brewery Co, ld act
 In re Pickles Wilkinson v Pickles act
 Cridland v King act
 Goodman v Glasier act (transferred from Q B Division)
 Lancaster v Brennan act
 Eaton v Bale act
 Moon v Harris act
 Bocoquet v Suter & Co act
 Mortgage Insee Corpn, ld v North and South Wales Bank, ld act
 Pritchard v Millar act
 Montravel v East Argentine Ry Co, ld act
 In re Taylor Bice v Taylor act
 Bruce v Paterson act
 Lidiard v Bennett act
 Railway Debenture Trust Co, ld v Mexican Southern Ry, ld act (set down by defts)
 Blockley v Bayley & Ferguson act
 Merrett v Badham Badham v Merrett act

Hardy, Nathan, & Sons v Cruce-mann act & m f j
 Earp v Guardians of Poor of Wallall Union act (no pleadings)
 Gray v Salaman act
 City of London Brewery Co, ld v Brown act
 Hall v Moyle act
 In re Chambers Chambers v Chambers act
 Cooper v Stephens & Mackintosh act
 Day v Bell act
 Causes for Trial Without Witnesses and Adjourned Summonses.
 In re Vicar of Castle Bytham, &c v Midland Ry Act adj sums
 In re Reed Reed v Westacott adj sums
 In re Elliott Bennett v Sumley adj sums
 Duke of Northumberland v Percy act & m f j
 In re Parker, a Solr, &c (taxation) adj sums
 In re Hume Forbes v Hume adjd sums
 In re Waring Waring v Waring adjd sums
 Concha v Murrieta adjd sums
 Concha v Murrieta (from Mr Justice Kekewich) adjd sums
 In re Bradley & Spencer's Contract & V & P Act, 1874 adjd sums
 In re Hartford, an infant 2 adjd sums, dated July 18, 1893, & June 30, 1893
 In re Pownall Eeckwith v Steward adjd sums
 In re Griffith Richards v Phillips adjd sums
 Debney v Eckett adjd sums
 Barnard v Curzon act
 In re Tanton Simmonds v Burch adjd sums
 In re Bowling & Welby & V & P Act adjd sums
 Expte A G Burdett-Coutts & Columbia, Bethnal Green, &c, Act, 1866 adjd sums
 Hawkesley v Outram adjd sums
 In re Ownsworth Ownsworth v Ownsworth adjd sums
 In re Bolton Bagshawe v Bolton adjd sums
 In re Macfarlane Bagshawe v In re Wailes Wailes v Barling adj Macfarlane adjd sums
 In re West West v West adjd sums
 In re Tonge Stone v Lord Heytesbury adjd sums
 Basset v St Leven adjd sums
 In re Basset Basset v Higgins adjd sums
 In re James James v James adjd sums
 In re Ogborne Vickery v Ogborne adjd sums
 Blais v Bradford, &c, Trams 2 adjd sums dated respectively Jan 12 & June 19, 1894
 In re The Mersey, &c, Ry Co adjd sums
 In re Jones Bromley v Bromley adjd sums
 Botten v Olty & Surburban Permanent &c, Soc adjd sums
 In re Gregory De la Warr v Gregory adjd sums
 Mandelberg v Morley adjd sums
 Dresser v Bill (1893—D.—1196) m f j
 Dresser v Bill (1893—D.—1197) m f j
 In re Wilkes Bower v Goodman adjd sums
 In re Lysley Kennedy v Arkwright adjd sums
 In re Horlock Calham v Smith adjd sums
 In re Wace Arnett v Wace adjd sums

Lord Hylton v Smith adjd sumns
In re Hays, Schmettan, & Co., Solrs
adjd sumns (cross-exam)
Lumsden v Roberts, Lubbock, &
Co. act
In re Cullerne Archer v Rutter
act
In re C Metcalfe Cotton v Metcalfe
act
Goodman v Glasier question of law
(set down in Non-Witness List by
Order)
Sixth West Kent Mutual Perma-
nent Building Soc v Shove
special case

Further Considerations.
Robinson v Partridge fur con & 2
sums
Hopcraft v Hopcraft fur con & adj
sums

Before Mr. Justice KEKEWICH.
Causes for trial (with witnesses).
Baden-Powell v Wilson act (restored
for re-hearing by order, dated July
20, 1894)

The Oxford, Id v Kirk act (no
pleadings)
Wesselhoeft v Dellagana & Co Id
m f j pt hd (Oct 30, by order)
Fifth Belgrave Mutual Benefit Bldg
Soc v Connock act
Att-Gen v Spittle act
Hallett v Hallett act
London & County Banking Co Id v
London Banking Corp Id act &
m f j
Fairclough & Sons v Manchester
Ship Canal Co act pt hd (re-
stored, Oct 30)

Marcus v Moreton Cox, Bros & Co
act
Parkinson v Crawshaw act (Oct 30,
by order)

Lambert v Webster act (no plead-
ings, advanced to follow "Parkin-
son v Crawshaw," by order)

William v Seddon act
Bass v White act (without plead-
ing, set down by order)
Lister v Whitaker Bros Id act (not
before Nov 12)

Morris v Alcock act
Orient Steam Navigation Co v East
& West India Dock Co act
Carter v Fey act
Harrison v Harden act

Fewings v Seventh West Kent
Mutual Building Soc act
Hardman v Wainwright act
In re Hardy Dunn v Elcock act

Nicholson v Williams act
National Provincial Trustees &
Assets Corp Id v Joselyne act
Browne v Answers Id act

Howell v Jones act
Cole v Manning act
Attorney-General v Hough act

Barnett v Hough act
Knight v Adams act & m f j
Stubbs v Jessop & Sons Id act

Morrison v Baring Bros & Co act
Bamforth v British Equitable Assoc
Id act

Cook v Bleackley act
Davis v Buchanan act & m f j
Trustee of Property of F C Ahlfeldt
v Fumeaux act & m f j

Prigleau v Bradshaw
In re Stevens, Webb v Trevanion
act

Johnston v Braid act
Bulcock v Bulcock act
Hunter v Curtis act

Powell v Heiser act
Fox v Martin act

Causes for trial (without witnesses).
Attwood v Kenrick act & m f j
In re Tattersalls of New York, Id
& Co's Acts motn (entered in
Non-Witness List by Order dated
Aug 31, 1894)

Sargent v Castle Brewery Co (Bir-
mingham), Id act

Adjourned Summonses.
In re Downshire Hillsborough v
Fort

In re West De Belabre v Fraser
pt hd (head of List, Oct 25)
In re Pearce Roberts v Stephens
In re Bendy Wallis v Bendy
In re Kennedy Williams v Ken-
nedy

In re Moody Woodroffe v Moody
Williams v Jenkins
Hollins v Joyce
Steane v Steane

In re Graham Siddall v Graham
In re Dunn Burbridge v Clarke
Budgett v Budgett (to review
taxation)

Same v Same (to review taxation)
In re Meakin Budgett v Meakin
Duchess of Montrose v Milner
Same v Same

In re Barford & Murch & V. & P.
Act, 1874
In re Ackers Banks v Ackers
In re Same Same v Same

Oliver v Robins
In re Oddy Carter v Oddy
In re Norgate, In re Browne Nor-
gate v Norgate

In re Williams Jones v Williams
(head of List, October 25)
In re Palmer Palmer v Clarke
In re Coghlan Broughton v

Broughton appln of G Williams
to vary Chief Clerk's certificate
(restored by order of Court of
Appeal, dated August 3, 1894)

Further Considerations.
In re Woodward Woodward v
Woodward fur con

Holgate v Wade fur con (short)
Jonas v Davies fur con
Lewis v Bevan fur con

Before Mr. Justice VAUGHAN
WILLIAMS.
(Sitting as an additional Judge of
Chancery Division.)
Companies (winding up).

Motions.
National Bank of Wales Id (leave
to issue writ of attachment)
Trueman v Clarendon Land Invest-
ment & Agency Co, Id (for in-
junction)

Petitions.
Bidares Railway and Mines Id (petn
of F Thorn)

Joseph Bull Sons & Co Id (petn of
M T Shaw & Co)

Carenero Railway and Navigation
Co Id (petn of La Compagnie
Generale de Railways a voie
Etroite Societe Anonyme)

Woolley Coal Co Id (petition of
Yorkshire Banking Co Id)

Barcelona (Beas) Waterworks Co
Id (petn of Union Bank of Spain
and England Id)

Dawe & Co, Id (petn of A Wit-
church)

Baylis, Gilles & Co, Id (petn of
Bischoff & Co)

Groveland Gold Mining Co, Id (pet
of R J Banning)

Leasehold Investment Co, Id (petn
of Hon Louise M Napier & aur)

Metropolitan Rifle Range Co, Id
(petn of J C T Steward & aur)

City of Chicago Grain Elevators Id
& The Joint Stock Companies
Arrangement Act, 1870 (petn of
the Liquidator)

English and Scottish Mercantile In-
vestment Id (petn of Sir H S
King)

Imperial Property Investment Co
Id & The Joint Stock Companies
Arrangement Act, 1870 (petn of
Liquidator)

Dukinfield Hall Spinning Co Id
(petn of Sarah Crossley & ors)
Dukinfield Hall Spinning Co Id
(petn of J W Watte)

International Commercial Co Id
(petn of Matthias Boyce)
Syria Ottoman Ry Co Id (petn of G
Pauling & aur)

Tyrian Construction Co Id (petn
of J Bonhote)
Welsh Manufacturing and Wool-
stapling Co Id (petn of T Way-
man & Co)

Leon Cobalt & Copper Mining Co Id
(petn of W E Aldis)
St Ives (Cornwall) Gas Co Id (petn
of F Bradley)

Martiny Id (petn of W F Malcomb
& ors)
Fevig's Steel & Iron Shipbuilding
Co Id (petn of Brown & Tawse)

York Street Publishing Co Id (petn
of Spalding & Hodge)
London & Home Counties Freehold
Land Corp Id (petn of J B Keene
& ors)

National Financial Corp Id (petn
of A Russell)
Lyric Theatre Id (petn of R Tuck &
Sons)

William Smith & Co Id (petn of
Marcel Renouard d'Adrien)
R C Cutting, Douglas, & Co Id (petn
of Croggon & Co Id)

London Music Publishing Co Id
(petn of C C Hopkinson & aur)
New Guayabillas Id and The Joint
Stock Companies Arrangement
Act, 1870 (petn of the liquida-
tor)

William Levett & Co Id (petn of
Co)

C J Fox & Co Id (petn of British
Bank of South America)
Colonial Debenture Corp Id (petn
of D W Marwick)

Whiteleaf Steamship Co Id (petn
of T A Gibb & Co)

Companies.
General Assets Purchase Co Id &
reduced (petn of Co)

Blaina Iron & Tin Plate Co Id &
reduced (petn of Co)
Dortmund Breweries Co Id & reduced
(petn of Co)

Court Summonses.
Lyric Club Id (to set aside proofs,
&c)

Alkaline Reduction Synd Id (settle
list of contributories)
London & General Bank Id (mis-
feasance)

May v Walters Id (for declaration)
Lands Allotment Co Id (taxation
of bill)

Hutton's Brewery Co Id (for sale)
Same (to sanction provisional con-
tract)

Stubber v T Daniel & Co Id (for
sale)
Same v Same (for leave to cross-
examine)

Amador Gold Mine Id (to dismiss
sumns dated May 21, 1894)

Bryn Glas Steamship Co Id (to dis-
charge order)
Same (to remove liquidator)

South Dorset Pottery Co Id (strike
name off list)
Latimer, Clark, Muirhead, & Co Id
(for declaration)

George Newman & Co (misfeasance)
New Zealand Loan and Mercantile
Agency Co Id (indemnity against
costs)

Issue Co Id (vary list of contribu-
tories)
Land Securities Co Id (to pay
over moneys)

South Australian Petroleum Fields
Id (for declaration)
Causes for Trial (with witnesses).
Huddersfield Banking Co Id v
Henry Lister & Son Id

Broderip v A Salomon & Co Id A
Salomon & Co Id v E Broderip
A Salomon & Co Id (sumns to re-
move name from list)

Before Mr. Justice ROMER.
Causes for Trial.
(With witnesses.)

Kenny v McCarthy act & m f j
and adj sumns (not before Nov.
26)

Setterwall & Co v Dorman, Brown
& Co act (Hilary Sittings,
1895)

London and North Western Ry Co
v Guardians of Poor of Holywell
Union act

Robinson v Jackson act and m f j

Transferred by order dated June 19,
1894

Kilburne Colliery Co Id v Sheard
act

Meredith v Price act
Worthington Pumping Engine Co
v Naval Construction and Arma-
ments Co Id act

Ainall v Gill Bros act (pleadings
to be delivered)

In re Orme Orme v Orme act and
m f j

Incandescent Gas Light Co Id v
Deinel Light Co Id act (8 O
week after Expert's report &c)

Hall v Wildman act (Deft dead)
Scarborough Winter Gardens Id v
London & General Contract Corp
Id act & m f j

Pilgrim v Dick act
Lacon v Edwards act (Deft dead)
East Stonehouse Local Board v
Victoria Browing Co Id act

Toy v James act
Pol v Aloopp & Sons Id act
Hooper v Davies act

Attorney-Gen v Morley Corp act
Singleton v Harris act

London & Scottish Banking &
Discount Corp Id v Smith act
Thorne v Radford act

In re Gilson Gilson v Gilson act
& m f j

Ross v Woodford act
Collins v Williams act

Mellin v White act (new trial
ordered by Court of Appeal, May
9, 1894)

Welby v Still fur con (reserved to
be heard before Mr. Justice
Romer)

Transferred by Order dated Aug 13,
1894

Wood v Nield act
Clerkenwell Vestry v Stubbs act

Baker v Hearn act
Gale v Ingledew act & m f j

In re Pyemont Collett v Rhodés
act

Cole v Scammell act
Kibble v Fairthorne act

In re Cooper Cooper v Smith act
In re Palmer Palmer v Palmer
act

In re Dantel Hadderton v Jenkins act
 Jaffray v Law Union & Crown Fire & Life Insce Co act
 Cartwright & Coxall v Holland & Andrews act
 Jodrell v White act
 Leicester v Pimblett act
 Chadburn v Mechan act
 In re Co's Act, 1862 and In re The United Kingdom Terra Cotta Fire & Sound Proof Brick Co, ld mot ordered to go into Witness List, July 27, 1893
 Smith v Wallace act
 Burgess v Feldman act
 Ingham v De Manin De Manin v Ingham act, claim and counter-claim
 King v Vane act
 Metropolitan, Birmingham, & South Wales Bank, ld v Wakefield act
 Williams v Bratby act
 Townson v Bowness Local Board act
 In re Bryant Hopkins v Bryant act
 In re Richards Bostock v Richards act
 County of Gloucester Bank, ld v Sparks act, claim and counter-claim
 Gant v Duval Restaurants for London, ld motn ordered to go into Witness List, June 15, 1894
 Westry-Evans v Smith act & m f j
 Ticket Punch Register Co, ld v Collyer's Patents, ld act
 MacDougall v Montague act
 Harris v Collyns, junr act
 In re Bowling Rankin v Gilbertson act
 Chase v Newham act

Peek v Ray act
 Ebbetts v Conquest act
 Statham v Barratt act
 In re Densham & Sons' Trade Marks 60,774 & 71,541 and Patents, Designs, &c Acts motn ordered to go into witness list, June 15, 1894
 Haynes v Quicke act
 Marquis of Bristol v Robertson act (pleadings to be delivered)
 Hutchinson v Barker act
 Hutchinson v Lafarelle act
 Ainsworth v Wilding act
 In re The Letters Patent of John Dealey, jun, 14,526 of 1884, and the Patents, Designs, &c, Acts, 1883 to 1888 petn ordered to go into witness list, July 7, 1894
 Walsh v Shaw act
 Knight v Chambers act
 Riches v Palmer Malins v Palmer act, claim and counter-claim
 Barlow v Moxon act
 Goucher v Laing act
 Barton v Hanley act
 Clapham v Clark act
 Kirkhouse v Kirkhouse act & m f j
 Ley's Malleable Castings Co v Bagshawe, Bros, & Co act
 Kayler v Rowell, Claire, & Co, ld act
 Simplified Permanent Benefit Bldg Soc v Dubey act
 Bolton v Currie act & m f j
 Howell v Howell act
 Grubb v Durrant act
 Osman v Sercombe act
 Dashwood & Co ld v East Grinstead Gas & Water Co, act set down by order, July 6, 1894 (pleadings to be delivered)
 Emson v Wrentmore act

Hood Barrs v Cathcart
 Pinhorne v Harris
 In re Arbitration Act, 1889 Stafford v Horrocksford Lime Co ld
 Bonhote v The Tyrian Construction Co ld
 Attorney-Gen, &c v The Conduit Colliery Co
 Eason v Cannot
 In re a Solicitor Expte Incorporated Law Soc
 Taylor v Manchester, Sheffield, & Lincolnshire Ry Co
 The Proprietary House & Land Corp v Onslow and ors
 Same v Same
 Lucien Ravel & Co v Alcoy & Gandia Ry & Harbour Co ld
 Williams v Cartwright and ors
 Siddeley & Co v Reimann Bros
 Burrell v Read
 In re William Lawrance Bell, a solr Ex parte C G Ansell (delivery of deeds)
 Worcester City & County Banking Co v Firbank Pauling, & Co
 The National Bank of Wales ld & ors v Crawshaw & ors
 Moore v Hawkins & ors (Moore, clmt)
 The Railway Debenture Trust Co ld v The Mexican Southern Ry ld
 The Railway Share Trust & Agency Co ld v The Mexican Southern Ry ld
 Pavy & anr v The Mexican Southern Ry ld
 Taafe v Bull & anr
 Rendell & anr v Grundy
 Jones v White
 Emanuel v Leonard

CROWN PAPER.

For Argument.

Met Pol Dist The Queen v Vaughan, Esq, Met Pol Mag, & ors (expte Boaler) Nisi to hear application for summons
 Cardiganshire The Manchester & Milford Ry Co v Churchwardens, &c, of Lampeter & ors Quarter Sessions Special case Respondents' nisi to quash
 Met Pol Dist East London Waterworks Co v Kyffin Magistrate's case
 Yorkshire, Bradford Barmby & ors v Arnold County Court Plaintiffs' appeal
 Chester, Leftwich Mitchell v Large Magistrate's case Appellant's appeal
 London Frost v Fish & ors Mayor's Court Plaintiffs' appeal
 Hampshire, Southampton Summers & anr v Maudalay County Court Plaintiffs' appeal
 Lancashire, Blackpool Sharp & Co v Quarmbly (S A Quarmbly, clmt) County Court Claimant's appeal
 Yorkshire, Sheffield Laver v Guardians of Chesterfield Union County court pltf's appl
 Middlesex, Clerkenwell Saunders v Holborn Board of Works County court pltf's appl
 Lancashire, Liverpool Benson & ors v Hammer county court deft's appl
 Surrey, Lambeth Chaplin v Daly (Onion, clmt) county court pltf's appl
 Yorkshire, Bradford Laporte v Frusher (Brook, clmt) county court pltf's appl
 Lancashire, St Helens & Widnes Broome v Mayor, &c, of Widnes county court deft's appl
 Winchester The Queen v Cornelius & ors, JJ, &c, and Jones (ex pte Jones) Nisi to state case
 Middlesex, Brentford Brown v Atkins & anr county court deft Hardy's appl
 Middlesex, Bow McCaffery v Lawless county court pltf's appl
 Staffordshire Bilston Township Commrs v Beach magistrate's case
 London Clarke & ors v Pantin & anr county court deft's appl
 Portsmouth Taylor v The Queen Writ of error on indictment
 London Vestry of St Mary, Islington v Cobbett & anr magistrate's case
 Middlesex, Bloomsbury Strohmenger & Sons v Attenborough county court deft's appl
 Somersetshire, Bath Myers v Samuels & anr (Samuels, clmt) county court clmt's appl
 Torquay The Queen v Kerswill, Esq, & anr, JJ, &c, and Bagwell (ex parte de Castro) nisi for certiorari for conviction
 Surrey, Lambeth Chaplin v Daly (Onion, clmt) county court pltf's appl
 Warwick Hammond v Jones magistrate's case
 Herefordshire In re the County Council for Herefordshire and In re the Town Council for Leominster, and In re The Local Government Act, 1888 Questions under Local Government Act, 1888
 Essex, Southend The Queen v H H Judge Paterson Nisi for mandamus to hear application under Tithes Act, 1891
 Middlesex, Westminster Popham v Davis county court pltf's appl
 Surrey, Kingston Kelly (suing by, &c) v Baily county court deft's appl
 London Bland v Brown, Brough, & Co Mayor's Court pltf's appl
 Middlesex, Brompton Bryett v Marks county court deft's appl
 Surrey, Wandsworth Wilson v Gutmann county court pltf's appl
 Hampshire, Christchurch Abbott & anr v Wall & anr county court pltf's appl
 Middlesex, Brompton Sweet v Sweet county court deft's appl
 Surrey, Guildford Wright v Hall county court pltf's appl
 Hampshire, Christchurch and Bournemouth May & anr v Lane county court pltf's appl
 Middlesex, Brompton Brennan v Brennan county court deft's appl
 London Theobald & ors & Co v New Explosives Co county court pltf's appeal
 Middlesex, Brompton Fisher v Head Head v Fisher county court J S Fisher's appl

HIGH COURT OF JUSTICE.

QUEEN'S BENCH DIVISION.

MICHAELMAS SITTINGS, 1894.

SPECIAL PAPER.

For Argument.

Asfar & Co v Blundell & ors (S O for amendment) special case
 Stern & ors v The Queen demurrer, answer and plea to petn of right
 In re an Arbin between Spillers & Baker ld & Ralli Bros ("Arbib Bros") special case
 In re an Arbin between Same & Same ("Hereford") special case
 Branson & anr v Lampert & Holt special case
 In re an Arbin between The Yeaddon Waterworks Co & Wright special case

OPPOSED MOTIONS.

For Argument.

Windust & anr v Gale (pt hd) s.o. for master to report
 Spillers & Bakers ld v Ralli Bros
 Yeatman v Soden & ors
 Same v Same
 West v Ager
 Turnbull & Son v Blood, Holman, & Co
 Leggett v Westgate
 Same v Same
 In re Arthur Edward Fenton, a solr, Expte Cathcart (s.o. until after taxation of solr's costs)
 General Property Trust ld v Wallace & anr
 Henderson v Heritage
 In re a Solicitor, Expte Incorporated Law Soc
 Perry v Phosphor Bronze Co ld urgent
 Skelton v Wood
 Same v Same
 Des Remandes v Wileman
 Bernhard v Foster & anr
 Same v Same
 Hood Barrs v Cathcart
 Pilbrow & anr v Garner & anr
 Same v Same
 Montgomery v Loughton & ors
 In re an Arbin between Sairo & Co & Duche & Fils
 Leach v Delighton
 Leggett v Westgate
 Montgomery v Kennell & ors
 Stockton Football and Athletic Co ld v Gaston
 Tombs v Penn
 Hood Barrs v Cathcart
 Peppersell v Star Life Assce Soc
 Hood Barrs v Cathcart

London Brown v Rohmann county court deft's app
Met Pol Dist Pilbrow v Vestry of St Leonard, Shoreditch magistrate's case
Wiltshire, Swindon Cole v Wheeler (Skurry, clmt) county court clmt's appeal
Staffordshire, Hanley In re Plant, Lewis & Co Smith, resp (expte C E Bullock, Staffordshire, Burslem Bullock (trading, &c) v Smith app from chmbrs on refusal of prohibition
London Sage & Co v Wingate & anr Mayor's Court dfts' app
London The Queen v Williams (expte Vinger) Nisi for quo warranto as Vestryman of Lewisham
Cheshire The Queen v Wirral Railways Committee Nisi for certiorari for indictment at instance of prosecution
Swansea The Queen v Fowler, Esq, & anr, Jj, &c (expte Walters) Nisi for certiorari for conviction
Liverpool Liverpool Overhead Ry Co v The Mayor, &c, of Liverpool Quarter Sessions special case apple nisi to quash
London The Queen v Jj's for the County of London (expte Jj's of Tower Division) Nisi for mandamus to hear appla for costs
Kent, Gravesend Bartlett v Keslake county court deft's app
Nottinghamshire, Nottingham Fairholm v Catton county court deft's app
Staffordshire Scott v Bould magistrate's case
Met Pol Dist Grover, Humphreys, & Sons v Vestry of Camberwell magistrate's case
Staffordshire, Stafford Poole & anr v Robson (Woodhams & ors, clmts) county court plt's app
Derbyshire, Derby Clark v Pilley county court deft's app
Met Pol Dist Walford v Hackney District Board of Works mrgistrate's case
Glamorganshire, Merthyr Tydfil Evans v The Royal London Friendly Soc county court dfts' app
London Wallace v Tomlinson & ors county court dfts' appl
Lancashire, St Helens Peed v King, younger, & ors county court resp'ts appl (Tithe Act, 1891)
Kent, Cranbrook The Kent County Council v Vidler & ors magistrate's case
Lancashire, Liverpool Robinson v Swyny county court deft's appl
Nottinghamshire, Nottingham Hickton v Kinge (Blake, clmt) county court clmt's appl
Met Pol Dist Leconte v Montgomerie magistrate's case
Kent, Bromley Bromley Local Board v Lansbury & anr county court plt's appl
Sussex, Brighton Parker v Ponsford county court deft's appl
Warwickshire, Solihull Burman and ors v Biddle & anr county court deft Hastelow's appl
Surrey Wandsworth Josolyne (trading &c) v Collins (Equitable Investment Co, clmts) county court deft's appl
Met Pol Dist Biggs & anr v Downey Magistrate's case
London Westley v Briggs & anr (trading, &c) Mayor's Court plt's app
Staffordshire, Burton-on-Trent Cathcart v Walker (Harrison, clmt) county court plt's app
Llanfyllin Evans v Owens & anr magistrate's case
Glamorganshire, Swansea Milnes (trading, &c) v Carter & anr county court deft Carter's app
Met Pol Dist Harris v London County Council magistrate's case
Salford Vost and Wife v Manchester Carriage & Trams Co Hundred court dft's app
Northumberland, North Shields Elliott & anr v Murray county court deft's app
Hampshire, Lymington Saunders v Saunders county court plt's app
Glamorganshire, Swansea Thomas & anr (trading, &c) v Newcombe County Court Plaintiffs' appeal
Durham Stars v Consett Iron Co Magistrate's case
Durham Winter v Same Magistrate's case
Cumberland, Carlisle Percival v Rushworth County Court Plaintiffs' appeal
Hants, Southampton Wiltshire v Wiltshire County Court Defendant's appeal
Kingston-upon-Hull Priestman Bros v Starbuck Magistrate's case
Lincolnshire, Parts of Lindsey West v Travis Magistrate's case
Yorkshire, W.R. Ackroyd v Barrett Magistrate's case
Middlesex, Brompton Martin v Brunson County Court Defendant's appeal
Warwickshire Hammond v Pulsford Magistrate's case
Cheshire The Queen v Joynson, Esq, & ors, Licensing Jj's for Altrincham Division of Cheshire (expte Earnshaw & ors) summons and mandamus to hear application of D Molyneux for licence Referred from Chambers

REVENUE PAPER.

For Hearing.

Causes by English Information.

Attorney-Gen v Jacobs Smith & ors
Attorney-Gen v Newcomen (since dec) and ors
Attorney-Gen v Ellis (widow) and ors
Attorney-Gen v Loyd & ors
Attorney Gen v The Verderers of the New Forest & ors

Petition.

In re Duty on the Estate of the late Sir T. Gresham

For Argument.

Cases Stated as to Income Tax and Stamp Duty.
Morant (Surveyor of Taxes), applt, and The Wheel Grenville Mining Co., resp'ts

Lord Mostyn, applt, and London (Surveyor of Taxes), resp't
Davidge, applt, and Smith (Surveyor of Taxes), resp't
Mayor, &c, of Manchester, applt, and McAdam (Surveyor of Taxes), resp't
The Alliance Assurance Co, applts, and Hue (Surveyor of Taxes), resp't
Watson (Surveyor of Taxes), applt, and the Royal Insurance Co, resp'ts
The Sweetmeat Automatic Delivery Co, ld, applts, and The Comins of Inland Revenue, resp'ts
The San Paulo (Brazilian) Ry Co, ld, applts, and Carter (Surveyor of Taxes), resp't

HIGH COURT OF JUSTICE.—QUEEN'S BENCH DIVISION.

MASTERS IN CHAMBERS FOR MICHAELMAS SITTINGS, 1894.

A to F—Mondays, Wednesdays, and Fridays, Master Johnson; Tuesdays, Thursdays, and Saturdays, Master Pollock.

G to N—Mondays, Wednesdays, and Fridays, Master Macdonell; Tuesdays, Thursdays, and Saturdays, Master Walton.

O to Z—Mondays, Wednesdays, and Fridays, Master Archibald; Tuesdays, Thursdays, and Saturdays, Master Wilberforce.

MICHAELMAS SITTINGS, 1894.

A to F—All applications by summons or otherwise in actions assigned to Master Kaye are to be made returnable before him in his own room, No. 181, at 11.30 a.m. on Mondays, Wednesdays, and Fridays.

G to N—All applications by summons or otherwise in actions assigned to Master Butler are to be made returnable before the masters in this division up to and inclusive of 1st December, after that date they are to be made returnable before him in room No. 112, on Mondays, Wednesdays, and Fridays.

O to Z—All applications by summons or otherwise in actions assigned to Master Manley Smith are to be made returnable before him in his own room, No. 114, at 11.30 a.m. on Tuesdays, Thursdays, and Saturdays.

The parties are to meet in the ante-room of masters' chambers, and the summonses will be inserted in the printed list for the day after the summonses to be heard before the master sitting in chambers, and will be called over by the attendant on the respective rooms for a first and second time at 11.30, and will be dealt with by the master in the same manner as if they were returnable at chambers. BY ORDER OF THE MASTERS.

OLD AND RARE FIRE INSURANCE POLICIES, &c., wanted to complete a Collection.—Particulars, by letter, to A. R. C., 76, Chapside, London.—[ADVT.]

WINDING UP NOTICES.

London Gazette.—FRIDAY, Oct. 19.

JOINT STOCK COMPANIES.

LIMITED IN CHANCERY.

LIBERIAN GOVERNMENT CONCESSIONS AND EXPLORATION CO, LIMITED—Petn for winding up, presented Oct 17, directed to be heard on Oct 31. Seaborn, 60, Chancery lane, solr for petnrs. Notice of appearing must reach the above named not later than 6 o'clock in the afternoon of Oct 30.

NATIONAL FINANCIAL CORPORATION, LIMITED—Petn for winding up, presented Sept 11, directed to be heard on Oct 31. Ballard, 7, King st, Chancery, solr for petnrs. Notice of appearing must reach the above named not later than 6 o'clock in the afternoon of Oct 30.

NORTH-WESTERN PETROLEUM AND GENERAL STORAGE CO, LIMITED—Creditors are required, on or before Nov 24, to send their names and addresses, and particulars of their debts or claims, to John Baxter, care of Layton & Springmann, 9, Fawcett st, Liverpool.

RIKINE FOOD CO, LIMITED—Petn for winding up, presented Oct 16, directed to be heard on Wednesday, Oct 31. Bolton & Mota, 11, Gray's inn sq, solrs for petnrs. Notice of appearing must reach the above named not later than 6 o'clock in the afternoon of Oct 30.

FRIENDLY SOCIETIES DISSOLVED.

HOPE AND ANCHOR BENEFIT SOCIETY, Hope and Anchor Inn, Wokingham, Berks. Oct 13
MODERN ORDER OF FORESTERS SOCIETY, New Hall, Romney, Hants. Oct 13

London Gazette.—TUESDAY, Oct. 23.

JOINT STOCK COMPANIES.

LIMITED IN CHANCERY.

BLITH WHEELY NEWS CO, LIMITED—Creditors are required, on or before Nov 26, to send their names and addresses, and particulars of their debts or claims, to W. E. Baskley, Central bldgs, Waterloo, Blith.

DALRIEL'S NEWS AGENCY OF AMERICA, LIMITED—Petn for winding up, presented Oct 22, directed to be heard on Oct 31. Hooper & Whately, 17, Lincoln's inn fields, solrs for petnrs. Notice of appearing must reach the above named not later than 6 o'clock in the afternoon of Oct 30.

J. G. STANTON & CO, LIMITED—Petn for winding up, presented Oct 22, directed to be heard on Wednesday, Oct 31. Powell & Rogers, 17, Essex st, Strand, agents for Halliday & Stimson, Bedford, solrs for petnrs. Notice of appearing must reach the above named not later than 6 o'clock in the afternoon of Oct 30.

JOHNSON'S PATENTS, LIMITED—Creditors are required, on or before Nov 26, to send their names and addresses, and particulars of their debts or claims, to the office of Adheshaw & Warburton, 18, Norfolk st, Manchester.

PARULVIC PETROLEUM SYNDICATE, LIMITED—Creditors are required, on or before Jan 25, to send their names and addresses, and particulars of their debts or claims, to Frederick Bertman Smart, 22, Queen st, Chancery. Hicklin & Co, 1, Trinity sq, Southwark, solrs for liquidator.

PENINSULAR TYRE CO, LIMITED (THE OLD COMPANY)—Creditors are required, on or before Dec 15, to send their names and addresses, and particulars of their debts or claims, to Robert Stokes, 36, College green, Dublin. Goodbody & Tisdall, Dublin, solrs for liquidator.

FRIENDLY SOCIETIES DISSOLVED.

BLACKWICH INDEPENDENT ODD FELLOWS SOCIETY, Bell's Head Inn, Stafford. Oct 13
FC "BRIDGE SENIOR FRIENDLY SOCIETY, Hope and Jersey Inn, Penkridge, Staffs. Oct 13
SAINT PAUL'S FOREST OF DEAN HICK AND BURNAL SOCIETY, Farnham School, Gloucester. Oct 13

WARNING TO INTERESTED HOUSE FURNISHERS & LANDLORDS.—Before purchasing or renting a house have the sanitary arrangements thoroughly examined by an expert from The Sanitary Engineering & Ventilation Co., 65, next the Meteorological Office, Victoria-st., Westminster (Estab. 1873), who also undertake the Ventilation of Offices, &c.—[ADVT.]

CREDITORS' NOTICES. UNDER ESTATES IN CHANCERY.

LAST DAY OF CLAIM.

London Gazette.—FRIDAY, Oct. 19.

SHAW, DANIEL, Sutton on the Hill, Derby, Farmer Nov 23 Shaw v Shaw, Kekewich, J Rigby, Ashborne

UNDER 22 & 23 VICT. CAP. 35.

LAST DAY OF CLAIM.

London Gazette.—FRIDAY, Oct. 19.

BARLOW, SAMUEL, Stakehill, Lancs, Bleacher Dec 31 Bullock & Co, Manchester
BRIDGER, MARY ANN, Southampton Dec 1 Hickman & Son, Southampton
BROWN, FREDERICK HERBERT, Ipswich, Headmaster Nov 30 Collinson & Frichard, Bedford row
BURTON, HENRY, Oseott, Blacksmith Nov 22 Ibberson & Pickles, Dawsbury
CHILDREN, CAROLINE, Tonbridge Dec 1 Harris, Tonbridge
CHILDREN, EMILY MARTIN, Tonbridge Dec 1 Harris, Tonbridge
CLARKE, WILLIAM RICHARD, Northampton, Chemist Dec 20 Wright & Son, Leicester
CLARKSON, WILLIAM, Leeds, Innkeeper Dec 1 Wilkinson & Garland, Leeds
COGAN, HENRY, Preston Plucknett, Gent Nov 25 Newman & Co, Yeovil
COMBERBACH, ROBERT SHUKER, Liverpool, Hotel Proprietor Nov 27 Jones & Co, Liverpool
DOWLING, CHARLES CHOLMERLEY, Eaton sq Dec 19 Cunliffe & Davenport, Chancery lane
FOSTER, WILLIAM LEE, Teignmouth Nov 24 Brice, Bridgwater
GILBERT, ALFRED, Finchley rd, Italian Warehouseman Nov 30 Rye & Eyre, Golden sq
GOOLD, JAMES, Portman sq, Civil Servant Nov 20 Todd, Adelphi
GREENHALGH, EDWARD, Smallbridge, Innkeeper Nov 16 Leach & Son, Manchester
GUEST, THOMAS, Brencley, Farmer Nov 9 Bus, Tunbridge Wells
HAMMETT, BENJAMIN WILLIAM, Wanstead, Pawnbroker Dec 3 Saxton & Son, Queen Victoria st
HARLAND, ANN, Brighton Nov 24 Maydwell, Brighton
HARRISON, JOSHUA CLARKSON, Carlingford rd, Dissenting Minister Nov 30 Bird & Harter, Bedford row
HAYES, MARIA, Cheltenham Nov 14 Winterbothams & Gurney, Cheltenham
HILL, THOMAS, Bielby, Farmer Dec 1 Robson, Pocklington
JACKSON, THOMAS FINCH, Formby, Gent Nov 17 Brassey, Chester
KITTON, EMMA, Sutton Coldfield Nov 10 Arber & Lewis, Old Jewry chmbrs
LACROIX, ANNIE MARIA, Bristol Nov 30 Brown, Bristol
LYNN, SARAH ELLEN, Batet Nov 30 Shepheard, Finsbury circus
MAONUS, SAMUEL, Finchley rd, Gent Nov 28 Russell & Arnholz, Gt Winchester st
NOAKE, JOHN, Worcester, J P Nov 30 Ronald Jeffery, Worcester
PINNEY, JOHN GEORGE, Portsea Nov 20 Allen, Portsmouth
POULSEN, ELIZABETH, Clevedon Nov 20 Day, Bristol
FRITCHARD, THOMAS, Blaenavon Dec 1 Wiggins & Co, Pontypool
ROAKE, MARGARET ELIZABETH, Bexley Heath Nov 24 Carnegie, Queen Victoria st

BANKRUPTCY NOTICES.

London Gazette.—FRIDAY, Oct. 19.

RECEIVING ORDERS.

ALLEN, JOHN JOSEPH, Tipton, Publican Dudley Pet Oct 16 Ord Oct 16
AUSTIN, WILLIAM, Maidstone, Licensed Victualler Tunbridge Wells Pet Sept 23 Ord Oct 15
BAKER, ALFRED, Reading, Bootmaker Reading Pet Oct 15 Ord Oct 15
BARRETT, JOHN, Bolton, Cotton Waste Manufacturer Bolton Pet Oct 13 Ord Oct 15
BASFORD, BENJAMIN, Tipton, Farmer Dudley Pet Oct 5 Ord Oct 5
BASSETT, GEORGE, Upper Norwood, Grocer High Court Pet Oct 17 Ord Oct 17
BASSETT, ROBERT, Colwich, Farmer Stafford Pet Oct 17 Ord Oct 17
BIRCH, GEORGE, Copthall bldgs High Court Pet Sept 15 Ord Oct 15
BROWN, ERNEST WILLIAM, Wimbledon, Draper Kingston, Surrey Pet Oct 17 Ord Oct 17
BUFFY, JOSEPH, Leicester, Boot Dealer Leicester Pet Oct 13 Ord Oct 13
BURGESS, JOSEPH, and THOMAS CHERRINGTON, Luton, Bedfordshire, Grocers Luton Pet Oct 17 Ord Oct 17
BUTCHER, JOHN, Pontnewydd, Collier Newport, Mon. Pet Oct 15 Ord Oct 15
CARTER, RICHARD, Luton, Builder Luton Pet Oct 15 Ord Oct 15
CHAPMAN, GEORGE HENRY, Burgess Hill, House Agent Brighton Pet Oct 16 Ord Oct 16
CHILD, JOSEPH, Hedsnesford, Contractor Walsall Pet Oct 15 Ord Oct 15
CLARKE, GEORGE WALTER, St Mary Magdalen, Farmer King's Lynn Pet Oct 16 Ord Oct 16
CLARK, WILLIAM JOHN, Kenilworth, Builder High Court Pet Oct 2 Ord Oct 2
CORNWELL, ARTHUR, Licensed Victualler High Court Pet Oct 5 Ord Oct 5
COX, FREDERICK JOHN, Brecknock rd, Engineer High Court Pet Oct 16 Ord Oct 16
CRAIG, MATTHEW, Preston, Butcher Preston Pet Oct 3 Ord Oct 3
DARE, HENRY ASHLEY, Ilchester, Innkeeper Yeovil Pet Oct 16 Ord Oct 16
GIBBS, HENRY, Weston super Mare, Builder Bridgwater Pet Oct 15 Ord Oct 15
HOBBS, RICHARD, Bristol, Carriage Builder Bristol Pet Oct 17 Ord Oct 17
INOS, WILLIAM HENRY, Paulton, Builder Wells Pet Oct 16 Ord Oct 16
LMOGO, ARTHUR ALFRED, Battersea, Baker Wandsworth Pet Oct 15 Ord Oct 15

LEWIS, JOHN, Clodock, Farmer Tredegar Pet Oct 17 Ord Oct 17
LIVINGSTONE, JOHN, Pontypool, Coachbuilder Pontypool Pet Oct 15 Ord Oct 15
MANNERS, CHARLOTTE, Tunbridge Wells, Spinster Tunbridge Wells Pet Oct 16 Ord Oct 16
MOORE, SAMUEL, Walsall, Saddler Walsall Pet Oct 10 Ord Oct 10
OLDHAM, ARTHUR, Exmouth, Colonel Exeter Pet Oct 4 Ord Oct 15
OPPENHAY, JOHN STANLEY, Withington, Clerk Stockport Pet Oct 13 Ord Oct 16
PEBBLES, JOHN, Manchester, Boot Dealer Warrington Pet Oct 16 Ord Oct 16
PERRY, EDMUND, Salisbury Green, Market Gardener Portsmouth Pet Oct 15 Ord Oct 15
PLATTS, JOHN THOMAS BROWN DUMLOW, Chellaston, Licensed Victualler Derby Pet Oct 15 Ord Oct 15
SILK, EDWIN, Kidderminster, Licensed Victualler Kidderminster Pet Oct 12 Ord Oct 12
SOUTHCOMBE, JOHN, 8 Tottenham, Builder Edmonton Pet Aug 7 Ord Oct 11
STOREY, JOHN HEWITT, Leeds, Butcher Leeds Pet Oct 16 Ord Oct 16
THACKER, WILLIAM, Walsall, Harness Maker Walsall Pet Sept 27 Ord Oct 11
WALL, JOHN, Rotherham, Watchmaker Sheffield Pet Oct 15 Ord Oct 15
WARFE, THOMAS, Charsfield, Baker Ipswich Pet Oct 13 Ord Oct 13
WEBB, EDWARD, Cardiff, Architect Cardiff Pet Oct 17 Ord Oct 17
WHITE, JOSEPH, Bournemouth, Builder Poole Pet Oct 15 Ord Oct 15
WHITEHOUSE, HENRY, Tipton, Licensed Victualler Dudley Pet Oct 15 Ord Oct 15
WHITEHEAD, JOHN, Foulton le Fyde, Licensed Victualler Preston Pet Oct 2 Ord Oct 16
WILLIAMS, WILLIAM, Swansea, Labourer Swansea Pet Oct 13 Ord Oct 13
WILSON, GEORGE RICHARD, Leeds, Drayman Leeds Pet Oct 15 Ord Oct 15
WOOLLEY, GEORGE, Bedminster, Furniture Dealer Bristol Pet Oct 17 Ord Oct 17
WORRELL, JOSEPH, Birmingham, Egg Dealer Birmingham Pet Oct 15 Ord Oct 15

FIRST MEETINGS.

ADAMSON, JACKSON, Loftus in Cleveland, York, Shoemaker Oct 31 at 3 Off Rec, 8, Albert rd, Middlesborough
CHAPPEL, EDWIN, Gt Torrington, Gent Oct 26 at 2 King's Arms Hotel, Barnstable
CHIVERELL, RICHARD, Homerton, Builder Oct 30 at 12 Bankruptcy bldgs, Carey st

TOMS, SAMUEL ROGERS, Eastbourne, Gent Dec 25 Guillaume & Sons, Salisbury sq
WHART, ROBERT, Attleborough, Norfolk, Farmer Nov 30 Hall, Attleborough
WILLIAMS, ELIZABETH ANN, Clapham Common Nov 19 Lovell, Monument bldgs
WILLIAMS, JOSHUA, Cardiff, Timber Foreman Nov 18 Downing & Handcock, Cardiff
WILSON, JOHN THOMAS, Heywood, Gent Nov 8 Pilling, Heywood
WYNN, WILLIAM, Ettingshall, Clerk Nov 20 Corbett, Darlaston

London Gazette.—TUESDAY, Oct. 23.

ALSTON, THOMAS, Chipping, Labourer Nov 17 Clarke, Preston
ALLEN, JAMES, Berwick upon Tweed, Timber Merchant Nov 12 Sanderson & Weatherhead
ATRE, MARY ANN, Kingston upon Hull Dec 1 England & Co, Hull
ATRE, SARAH, Hull Dec 1 England & Co, Hull
BALLARD, JAMES, Leicester Dec 17 Stretton & Aysom, Leicester
BLANCHETIERRE, DENIS ALEXANDRE, Minorities Nov 24 Hasties, Lincoln's inn fields
BROWN, RICHARD, Horley, Cattle Dealer Dec 8 Fearless & Sons, East Grinstead
CAUWENBERGHE, TROPHILUS VAN, Barnale, Priest Dec 1 Carrington, Barnale
CLEMINSON, JANET, Scotforth Dec 17 Tilly, Lancaster
CLINCH, FREDERICK JOSEPH, Gravesend, Corn Dealer Nov 20 Tolhurst & Co, Gravesend
COOPER, FANNY, Worthing Nov 30 Coote, Camberwell
D'ARNT, SARAH DUESBERY HUGHES, Wootton, Warwick Dec 15 Fairfoot & Co, Clethent's inn
EDDINGTON, WILLIAM, Engineer Nov 15 Maskell, Finsbury pmt
FUTVOYE, MARY ANNE, Worthing Nov 30 Coote, Camberwell
GOSSETT, FREDERICK RICHARDS MEALY, Portlady, Esq Dec 1 Beal, Regent st
GREGORY, JOHN CONSTABLE, Weymouth, Gent Dec 1 Beal, Regent st
JOHNSTON, LUCY, Kingston upon Hull Dec 1 England & Co, Hull
KNOWLES, WILLIAM, Sparkbrook, Gent Nov 22 Clarke & Co, Birmingham
MARCUS, JOHN, Billiter sq bldgs, Esparto Merchant Dec 1 Rose-Innes & Co, Billiter sq bldgs
MATSON, PHILIP SHAW, Sutton upon Hull, Dentist Dec 3 England & Co, Hull
MELLOR, JANE, Ecclesfield, Licensed Victualler Nov 23 Branson & Son, Sheffield
NELSON, EDWARD ALBERT, Esher Dec 1 Keen, Knightbridge st
PEASE, REV GEORGE CLIFFORD, M.A., Beverley Dec 1 England & Co, Hull
RANDALL, WALTER CUNDALL, New Cross, Fur Merchant Nov 24 Muans & Longden, Old Jewry
RAWLINGS, PAMELA, Saltburn by the Sea, York Nov 20 Spry, Middlesborough
RUSSELL, CAROLINE, Leamington Nov 17 Wright & Hawsalls, Leamington
SADLER, JOHN, Liverpool, Gent Nov 19 Mather, Liverpool
STANILAND, RICHARD, Shardlow, Licensed Victualler Nov 18 Huish & Wilson, Ilkeston
SWALES, MARK, Ripon, Butcher Nov 30 Calvert & Son, Masham
SYKES, ELIZA, Llandudno Dec 1 Pugh & Bone, Llandudno
TAYLOR, LOUISA, Montpelier sq Nov 22 St Barbe Sladen & Wing, Delahay st
THORNBURN, ELMARON, Newcastle on Tyne Dec 10 Stobo & Livingstone, Newcastle upon Tyne
VINCENT, EARLE, Yeovil, Brewer Nov 21 H S & S Watts, Yeovil

COLLARD, THOMAS LOUIS, Nackington, Farmer Oct 27 at 4.30 Fountain Hotel, Canterbury
DANIEL, MARGARET, Port Talbot, Glam, Licensed Victualler Oct 26 at 12 Off Rec, 31, Alexandra rd, Swansea
DUNFORD, JOSHUA, Weymouth, Builder Oct 26 at 12.30 Off Rec, Salisbury
EMERY, WILLIAM HENRY, Reading, Timekeeper Oct 30 at 12 Queen's Hotel, Friar st, Reading
FREEMAN, MARIA HANNAH, Norwich, Shop Keeper Oct 27 at 11.30 Off Rec, 8, King st, Norwich
FRENCH, WILLIAM STEPHEN, Winchester, Clerk in Holy Orders Oct 31 at 3 Off Rec, 4, East st, Southampton
GIBBS, HENRY, Weston super Mare, Builder Oct 27 at 10.45 Mr Tamlyn, Auctioneer, High st, Bridgwater
GOLDING, JAMES, Twyford, Draper Oct 29 at 11.30 Queen's Hotel, Friar st, Reading
HARRISON, JOHN, Redcar, Fish Dealer Oct 31 at 3 Off Rec, 8, Albert rd, Middlesborough
HEMINGWAY, ENOCH, Upper Tooting, Clerk Oct 26 at 11.30 24, Railway app, London Bridge
HOGGETT, HENRY, Middlesborough, Lime Merchant Oct 29 at 3 Off Rec, 8, Albert rd, Middlesborough
JAMES, JOHN, Caron, Labourer Oct 27 at 2.30 Off Rec, 11, Quay st, Carmarthen
JOHNSON, WILLIAM WALTER, Leeds, Blacksmith Oct 26 at 11 Off Rec, 22, Park row, Leeds
KEESHAW, PERCY BEESFORD WRIGHT, South Hampstead, Lithographer Oct 29 at 11 Bankruptcy bldgs, Carey street
KOLMER, WILLIAM, Manchester, Furniture Dealer Oct 26 at 3 Ogden's chmbrs, Bridge st, Manchester
MORRIS, WILLIAM, and WILLIAM A MORRIS, Birmingham Basket Manufacturers Oct 29 at 11 23, Colmore row, Birmingham
MOWBRAY, JOHN, Bramley, Innkeeper Oct 26 at 3.30 Off Rec, Figtree lane, Sheffield
NORTON, EDWIN JAMES, Shaftesbury, Plumber Oct 26 at 3 Off Rec, Salisbury
PERRY, EDMUND, Salisbury Green, Hants, Market Gardener Oct 30 at 3.30 Off Rec, Cambridge junction, High st, Portsmouth
PLATTS, JOHN THOMAS BROWN DUMLOW, Chellaston, Licensed Victualler Oct 26 at 3 Off Rec, St James's chmbrs, Derby
RANBY, JAMES HOLMES, Ashby, Draper Oct 26 at 12 Off Rec, 31, Silver st, Lincoln
REES, WILLIAM MATTHEW, Swansea, Licensed Victualler Oct 29 at 11 Off Rec, 31, Alexandra rd, Swansea
SMITH, THOMAS COOPER, Sheffield, Licensed Victualler Oct 26 at 3 Off Rec, Figtree lane, Sheffield
STEVENSON, ARTHUR, Nottingham, Fruit Salesman Oct 26 at 3.30 Off Rec, St Peter's Church walk, Nottingham
STOTHARD, HENRY, Thorne, Yorks, Farmer Oct 26 at 3.15 Off Rec, Figtree lane, Sheffield

TAYLOR, CHARLES, Sandhurst, Laundryman Oct 29 at 12.30 Queen's Hotel, Friar st, Reading
 VICKERS, EDWIN, Templecombe, Butcher Oct 27 at 12 Three Choughs Hotel, Yeovil
 WADE, NED, Farnley, Coal Merchant Oct 29 at 11 Off Rec, 31, Manor row, Bradford
 WALKER, JAMES BENNETT, 8 Shields, Butcher Oct 31 at 11.30 Off Rec, Pink lane, Newcastle on Tyne
 WALMSLEY, JAMES, Bradford, Grocer Oct 26 at 11 Off Rec, 31, Manor row, Bradford
 WRIGHT, GEORGE, Newton Solney, Licensed Victualler Oct 26 at 2.30 Off Rec, St James's chmbrs, Derby

ADJUDICATIONS.

ALLEN, EDWARD ELLIS, Victoria st, Builder High Court Pet Aug 24 Ord Oct 13
 ALLEN, JOHN JOSEPH, Tipton, Publican Dudley Pet Oct 16 Ord Oct 16
 BARFORD, BENJAMIN, Tipton, Farmer Dudley Pet Oct 5 Ord Oct 5
 BARNETT, ROBERT, Colwich, Farmer Stafford Pet Oct 17 Ord Oct 17
 BOYCE, CHARLES FILER GEORGE, Wolverhampton, Musical Instrument Dealer Wolverhampton Pet Sept 17 Ord Oct 15
 BUTCHER, JOHN, Pontnewydd, Collier Newport, Mon Pet Oct 15 Ord Oct 15
 CALLAWAY, HERBERT JOSEPH, Lewisham, House Furnisher Greenwich Pet July 23 Ord Sept 4
 CARTER, RICHARD, Luton, Builder Luton Pet Oct 15 Ord Oct 15
 CAVALIER, GEORGE VALENTINE, Chesapeake, Cigar Merchant High Court Pet Sept 21 Ord Oct 18
 CHAPMAN, GEORGE HENRY, Burgess Hill, House Agent Brighton Pet Oct 16 Ord Oct 16
 CHIVERS, RICHARD, Homerton, Builder High Court Pet Sept 1 Ord Oct 13
 CLARKE, GEORGE WALTER, St Mary Magdalen, Farmer King's Lynn Pet Oct 16 Ord Oct 16
 CLEMENTS, CHRISTOPHER, Aberavon, Wheelwright Neath Pet Oct 3 Ord Oct 16
 COTTAM, JOHN CHARLES, Gracechurch st, Company Promoter High Court Pet July 12 Ord Oct 13
 DARE, HARRY ASHLEY, Leicester, Innkeeper Yeovil Pet Oct 16 Ord Oct 16
 GIBBS, HENRY, Weston super Mare, Builder Bridgwater Pet Oct 13 Ord Oct 15
 HAYWARD, LEDGER, Canterbury, Coachbuilder Canterbury Pet Sept 28 Ord Oct 13
 INGS, WILLIAM HENRY, Paulton, Builder Wells Pet Oct 15 Ord Oct 16
 LAMBARD, JAMES, Bristol, Jeweller Bristol Pet Oct 8 Ord Oct 17
 LEGGO, ARTHUR ALFRED, Battersea, Baker Wandsworth Pet Oct 13 Ord Oct 15
 LEWIS, JOHN, Clodeck, Farmer Tredegar Pet Oct 17 Ord Oct 17
 LIVINGSTONE, JOHN, Pontypridd, Coachbuilder Pontypridd Pet Oct 15 Ord Oct 15
 MOORE, SAMUEL, Walsall, Saddler Walsall Pet Oct 1 Ord Oct 11
 OPENSHAW, JOHN STANLEY, Withington, Land, Clerk Stockport Pet Oct 16 Ord Oct 16
 PERRY, EDMUND, Salisbury Green, Market Gardener Portsmouth Pet Oct 15 Ord Oct 15
 PLATT, JOHN THOMAS BROWN, Dunmole, Chelmsford, Licensed Victualler Derby Pet Oct 15 Ord Oct 15
 POTTER, FRANCIS, Winchester, Laundry Proprietor Winchester Pet Oct 2 Ord Oct 15
 RYAN, WILLIAM EDMUND PATRICK, Hammersmith, Clerk High Court Pet Oct 13 Ord Oct 13
 SILK, EDWIN, Kidderminster, Licensed Victualler Kidderminster Pet Oct 12 Ord Oct 12
 STARGES, WILLIAM HUGO EUGENE, Bradford, Merchant Bradford Pet Sept 10 Ord Oct 16
 STEPHENS, RICHARD, Clevedon, Engineer Bristol Pet Oct 6 Ord Oct 17
 STONE, JAMES, Stenomonas High Court Pet Oct 13 Ord Oct 13
 STOREY, JOHN HEWITT, Leeds, Butcher Leeds Pet Oct 16 Ord Oct 16
 TACAGNI, PIETRO, Brixton High Court Pet Oct 13 Ord Oct 13
 THACKER, WILLIAM, Walsall, Harness Maker Walsall Pet Sept 27 Ord Oct 11
 WALL, JOHN, Rotherham, Watchmaker Sheffield Pet Oct 15 Ord Oct 15
 WATSE, THOMAS, Charsfield, Baker Ipswich Pet Oct 12 Ord Oct 15
 WEBB, EDWARD, Cardiff, Architect Cardiff Pet Oct 17 Ord Oct 17
 WHITEHOUSE, HENRY, Tipton, Licensed Victualler Dudley Pet Oct 15 Ord Oct 15
 WHITTINGHAM, JOHN PAINE, Westgate on Sea, House Agent Canterbury Pet Sept 28 Ord Oct 13
 WILLIAMS, WILLIAM, Swansea, Labourer Swansea Pet Oct 13 Ord Oct 13
 WILSON, GEORGE RICHARD, Leeds, Drayman Leeds Pet Oct 15 Ord Oct 15
 WOOLKY, GEORGE, Bedminster, Furniture Dealer Bristol Pet Oct 17 Ord Oct 17
 WORRELL, JOSEPH, Birmingham, Egg Dealer Birmingham Pet Oct 15 Ord Oct 16

ADJUDICATIONS ANNULLED.

POTMAN, GEORGE, Stanshaw, Portsmouth, Baker Portsmouth Adjud Oct 5 Annul Oct 15
 WESTWORTH, WILLIAM DIOBY, Clarges st, Mayfair, Gent High Court Adjud Feb 1, 1896 Annul Oct 12, 1894

London Gazette.—Tuesday, Oct. 23.

RECEIVING ORDERS.

BAKER, HENRY, Derby, Gas Engineer Derby Pet Oct 18 Ord Oct 18
 BATES, WILLIAM, Burton on Trent, Joiner Burton on Trent Pet Oct 19 Ord Oct 19
 BOX, THOMAS, Old Hill, Staffs, Builder Dudley Pet Oct 18 Ord Oct 18
 BULLER, RICHARD, Bere Regis, Wheelwright Poole Pet Oct 17 Ord Oct 17

CARTER, PERCIVAL SWAYNE, Gloucester Gloucester Pet Oct 18 Ord Oct 18
 DAVIES, DAVID, Gelligear, Glam, Carpenter Merthyr Tydfil Pet Oct 19 Ord Oct 19
 DAWSON, GEORGE ARTHUR, Leeds, Engine Packing Manufacturer Leeds Pet Oct 18 Ord Oct 18
 DYER, SAMUEL, Euston rd, Builder High Court Pet Sept 24 Ord Oct 19
 FERGUSON, JAMES, Thornaby on Tees, Moulder Stockton on Tees Pet Oct 17 Ord Oct 17
 GILLOTT, JOSEPH, Birmingham, Grocer Birmingham Pet Oct 18 Ord Oct 18
 GORTZ, GEORGE, Mason's avenue, Restaurant Keeper High Court Pet Sept 5 Ord Oct 19
 HALL, WILLIAM, Sheffield, Beerhouse Keeper Sheffield Pet Oct 19 Ord Oct 19
 HARRIS, HYMAN, Edmonton, Cemetery Keeper Edmonton Pet Oct 19 Ord Oct 19
 HAYES, FRANCIS B, The Albany High Court Pet July 13 Ord Oct 19
 HOLMES, SAMUEL FREDERICK, Nottingham, Baker Nottingham Pet Oct 15 Ord Oct 15
 INGS & CO, W G, Gt. St. James's, Builders High Court Pet Sept 26 Ord Oct 19
 JACKSON, JOSHUA, Dewsbury, Estate Agent Dewsbury Pet Oct 19 Ord Oct 19
 JEFFREY, FRANCES MAUD, Parsons Green, Milliner High Court Pet Oct 19 Ord Oct 19
 JONES, JOSHUA, Doughty st High Court Pet July 10 Ord Oct 18
 KENDRICK, ROBERT, Leicester, Grocer Leicester Pet Oct 18 Ord Oct 18
 LLOYD, WILLIAM, Dorstone, Miller Hereford Pet Oct 17 Ord Oct 17
 LOWE, SARAH, Halifax, Pig Dealer Halifax Pet Oct 20 Ord Oct 20
 LUDKIN, JOHN, Cardiff, Builder Cardiff Pet Oct 18 Ord Oct 18
 MANKIN, WILLIAM, Brompton, Yorks, Joiner Northallerton Pet Oct 19 Ord Oct 19
 MOON, LEWIS, Westfield, Farmer Hastings Pet Oct 18 Ord Oct 18
 MORGAN, WILLIAM RICHARD, Cardigan, Auctioneer Carmarthen Pet Oct 18 Ord Oct 18
 MORRIS, ARTHUR FREDERICK, Warwick, Coal Dealer Warwick Pet Oct 19 Ord Oct 19
 OCKFORD, SAMUEL, Stroud, Corn Merchant Gloucester Pet Sept 13 Ord Oct 18
 O'SULLIVAN, JOHN DANIEL, Aberbeeg, Surgeon Tredegar Pet Oct 20 Ord Oct 20
 PARROTTE, RICHARD JAMES DOYLE, Leicester sq, Upholsterer High Court Pet Sept 19 Ord Oct 17
 PHILLIPS, THOMAS, Llandisilio, Grocer Pembroke Dock Pet Oct 20 Ord Oct 20
 REED, NELSON, Brockley, Commission Agent High Court Pet Oct 19 Ord Oct 19
 RICHINGS, EDWARD JOHN, Upton St Leonards, Milkseller Gloucester Pet Oct 20 Ord Oct 20
 SAVILE, EDWIN, Bradford, Warehouseman Bradford Pet Oct 18 Ord Oct 18
 SCOTT, JAMES CHARLES, Copthall chmbrs High Court Pet Oct 1 Ord Oct 18
 SHUTE, WILLIAM ASHLEY, Darlington, Coal Miner Stockton on Tees Pet Oct 19 Ord Oct 19
 SMEDLEY, G B, Hatton rd, Licensed Victualler High Court Pet Sept 21 Ord Oct 18
 SPANGLER, HENRY, Wickhambrook, Farmer Cambridge Pet Oct 19 Ord Oct 19
 SPOON, JOHN LAMB, Highham, Kent, Cement Manufacturer Rochester Pet Oct 6 Ord Oct 19
 STRECHIDGE, SIMON JOHN, Bournemouth, Painter Poole Pet Oct 16 Ord Oct 18
 STILLMAN, JAMES, Southend, Cabdriver Chelmsford Pet Oct 19 Ord Oct 19
 TAPPEY, GEORGE, Clapton, Timber Merchant High Court Pet Oct 19 Ord Oct 19
 TOWNSEND, ALFRED, Chelmsford, Coal Merchant Chelmsford Pet Oct 17 Ord Oct 17
 VICKERY, SARAH, Bristol, Confectioner Bristol Pet Oct 19 Ord Oct 19
 WALKER, WILLIAM, Old Malton, Coal Leader Scarborough Pet Oct 18 Ord Oct 18
 WARD, WILLIAM, Bradford, Worsted Manufacturer Bradford Pet Oct 19 Ord Oct 19
 WARNER, GEORGE WILLIAM, Norwich, Furniture Dealer Norwich Pet Oct 19 Ord Oct 19
 WHITEHEAD, LOUIS, Kingston upon Hull, Grocer Kingston upon Hull Pet Oct 19 Ord Oct 19
 WYER, THOMAS JOSEPH, West Bromwich, Tobaccoist West Bromwich Pet Oct 17 Ord Oct 17

The following amended notice is substituted for that published in the London Gazette of Oct. 16:—
 TACAGNI, PIETRO, Brixton, Commercial Traveller High Court Pet Oct 13 Ord Oct 13

The following amended notice is substituted for that published in the London Gazette of Sept 26:—
 THOMAS, SARAH, Southsea, Lodging House Keeper Portsmouth Pet Sept 25 Ord Sept 25

FIRST MEETINGS.

AKERSTED, WILLIAM HOPKIN, Fulham rd, Electrician Nov 2 at 11 Bankruptcy bldgs, Carey st
 ALLEN, JOHN JOSEPH, Tipton, Publican Oct 30 at 10.30 Off Rec, Dudley
 AWCOCK, EDWARD, Brighton, Licensed Victualler Oct 31 at 3 Off Rec, 4, Pavilion bldgs, Brighton
 BAGNALL, JOSEPH, Hackney rd, Brushmaker Nov 2 at 2.30 Bankruptcy bldgs, Carey st
 BAKER, HENRY, Derby, Gas Engineer Oct 31 at 12 Off Rec, St James's chmbrs, Derby
 BAKER, CHARLES FREDERICK JAMES, Hampstead, Licensed Victualler Nov 2 at 12 Bankruptcy bldgs, Carey st
 BARFORD, BENJAMIN, Tipton, Farmer Oct 30 at 10 Off Rec, Dudley
 BIRD, JOHN, Hackney rd, Looking Glass Manufacturer Oct 30 at 2.30 Bankruptcy bldgs, Carey st
 BEACH, ROSE JANE, East Grinstead, Dairy Proprietress Oct 30 at 2 Railway Hotel, East Grinstead
 BRIDON, ALBERT EDWARD, West Bromwich, Coal Merchant Nov 13 at 2 County Court, West Bromwich

BUFFY, JOSEPH, Leicester, Boot Dealer Leicester Oct 30 at 12.30 Off Rec, 1, Berridge st, Leicester
 BULLER, RICHARD, Bere Regis, Wheelwright Oct 30 at 12.30 Off Rec, Salisbury
 CLARKE, HENRY ARTHUR, Birmingham, Confectioner Oct 31 at 11.25 Colmore row, Birmingham
 COUSINS, FRANK LUMMAN, Upper Norwood, Schoolmaster Oct 31 at 11.30 24, Railway approach, London Bridge
 DARK, HENRY ASHLEY, Leicester, Innkeeper Oct 30 at 1 Off Rec, Salisbury
 DITCHFIELD, EDMUND AUGUSTUS, Liverpool, African Merchant Nov 6 at 3 Off Rec, 53, Victoria st, Liverpool
 EAGLE, HENRY, Newcastle on Tyne, Printer Oct 31 at 12 Off Rec, Pink lane, Newcastle on Tyne
 FERREIRA, JOSEPH CHARLES MARDELL, Hendon Oct 30 at 3 Off Rec, 25 Temple chmbrs, Temple avenue
 GIBSON, GEORGE WILLIAM, Kidderminster, Innkeeper Oct 30 at 2 Crowthor & Boring, Solicitors, Kidderminster
 HANMER, THOMAS AINLEY, Liverpool, Estate Agent Oct 3 at 3 Off Rec, 35, Victoria st, Liverpool
 HILL, ISAAC, Southwick, Stonemason Nov 13 at 2.10 County Court, West Bromwich
 HITCH, ALFRED WILSON, Eastbourne, Baker Oct 30 at 11.15 Coles & Son, Seaside rd, Eastbourne
 JUBY, STEPHEN JOHN, Leicester, Commission Agent Oct 31 at 3 Off Rec, 1, Berridge st, Leicester
 KENDRICK, ROBERT, Leicester, Grocer Oct 31 at 12.30 Off Rec, 1, Berridge st, Leicester
 LAKE, W. J. S., Dorstone, Miller Oct 30 at 10 2, Off st, Hereford
 MASON, GEORGE WILLIAM, Macclesfield, Silk Manufacturer Oct 30 at 11 Off Rec, 23, King Edward st, Macclesfield
 MILLS, JOHN, Leicester, Baker Oct 30 at 12 Off Rec, 1, Berridge st, Leicester
 NICHOLSON, ROBERT, Regent st, Licensed Victualler Oct 30 at 11 Bankruptcy bldgs, Carey st
 NOCK, ARTHUR GILBERT, Birmingham, Commercial Traveller Oct 31 at 12 23, Colmore row, Birmingham
 PEEBLES, JOHN, Manchester, Boot Dealer Nov 2 at 3 Ogden's chmbrs, Bridge st, Manchester
 PUTMAN, GEORGE, Stanshaw, Baker Oct 30 Off Rec, Cambridge Junction, High st, Portsmouth
 RIX, FREDERICK, Lingwood, Corn Factor Nov 2 at 12 Off Rec, 8, King st, Norwich
 RYAN, WILLIAM EDMUND PATRICK, Hammersmith, Commercial Clerk Oct 31 at 11 Bankruptcy bldgs, Carey street
 SCHOFIELD, JAMES, Hollinwood, Commission Agent Nov 1 at 3 Off Rec, Bank chmbrs, Queen st, Oldham
 SILK, EDWIN, Kidderminster, Licensed Victualler Oct 30 at 2.30 A. S. Thurlfield, Solicitor, Kidderminster
 STOREY, JOHN HEWITT, Leeds, Butcher Oct 30 at 11 Off Rec, 22, Park row, Leeds
 TACAGNI, PIETRO, Brixton, Commercial Traveller Nov 1 at 11 Bankruptcy bldgs, Carey st
 THOMAS, ROBERT, Llanfairfechan, Butcher Oct 30 at 11.45 Castle Hotel, Llanfairfechan
 THOMAS, THOMAS STANLEY, Fallowfield, Cardroom Jobber Oct 31 at 12 Off Rec, Merthyr Tydfil
 WARELOW, HARRY, Stoke upon Trent Nov 1 at 10.30 Off Rec, Newcastle under Lyme
 WARPE, THOMAS, Charsfield, Baker Oct 30 at 12 30, Princes st, Ipswich
 WHITE, JOSEPH, Bournemouth, Builder Oct 31 at 12 Grand Hotel, Bournemouth
 WHITEHOUSE, HENRY, Tipton, Licensed Victualler Oct 30 at 10.15 Off Rec, Dudley
 WILDS, CAROLINE, Chichester, Spinster Nov 1 at 3 Dolphin Hotel, Chichester
 WILLIAMS, THOMAS HENRY, Birmingham, Broker Nov 1 at 12 23, Colmore row, Birmingham
 WILLIAMS, WILLIAM, Morriston, Labourer Oct 30 at 12 Off Rec, 31, Alexandra rd, Swansea
 WILSON, THOMAS STANLEY, Fallowfield, Cardroom Jobber Nov 1 at 3.30 Off Rec, Bank chmbrs, Queen st, Oldham
 WITHERS, JOSEPH, Blackstock rd, West Saleman Nov 1 at 2.30 Bankruptcy bldgs, Carey st
 WORRELL, JOSEPH, Birmingham, Egg Dealer Nov 1 at 11 23, Colmore row, Birmingham

ADJUDICATIONS.

BAKER, HENRY, Derby, Gas Engineer Derby Pet Oct 18 Ord Oct 18
 BATES, WILLIAM, Burton on Trent, Joiner Burton on Trent Pet Oct 19 Ord Oct 19
 BLADON, JOSEPH, Hemel Hempstead, Watercress Grower St Albans Pet Oct 3 Ord Oct 17
 BOX, THOMAS, Old Hill, Staffs, Builder Dudley Pet Oct 18 Ord Oct 18
 BUFFY, JOSEPH, Leicester, Boot Dealer Leicester Pet Oct 13 Ord Oct 13
 BULLER, RICHARD, Bere Regis, Wheelwright Poole Pet Oct 17 Ord Oct 17
 CARTER, PERCIVAL SWAYNE, Gloucester Gloucester Pet Oct 18 Ord Oct 18
 CHILD, JOSEPH, Hednesford, Contractor Walsall Pet Oct 15 Ord Oct 18
 COLEMAN, HENRY, Stoke Golding, Farmer Leicester Pet Oct 5 Ord Oct 20
 COOMBS, EDWARD WILLIAM, Creckers, Draper Yeovil Pet Sept 14 Ord Oct 5
 CRAIG, MATTHEW, Preston, Butcher Preston Pet Oct 3 Ord Oct 19
 CRANE, JAMES, Stoke Newington, Builder Edmonton Pet Sept 4 Ord Oct 17
 DAVIES, DAVID, Gelligear, Glam, Carpenter Merthyr Tydfil Pet Oct 19 Ord Oct 19
 DAWSON, GEORGE ARTHUR, Leeds, Engine Packing Manufacturer Leeds Pet Oct 18 Ord Oct 18
 DAWSON, WILLIAM THOMAS, Leicester, Boot Manufacturer Leicester Pet Aug 23 Ord Oct 16
 FERGUSON, JAMES, Thornaby on Tees, Moulder Stockton on Tees Pet Oct 17 Ord Oct 17
 HALL, WILLIAM, Bradford, Beerhouse Keeper Sheffield Pet Oct 19 Ord Oct 19
 HARRIS, HYMAN, Edmonton, Cemetery Keeper Edmonton Pet Oct 18 Ord Oct 18

HOLMES, SAMUEL FREDERICK, Nottingham, Baker Nottingham Pet Oct 18 Ord Oct 18
JEFFREYS, FRANCES MAUD, Farnham's Green, Milliner High Court Pet Oct 19 Ord Oct 19
KEDDICK, ROBERT, Kirby Muxloe, Grocer Leicester Pet Oct 18 Ord Oct 18
LLOYD, WILLIAM, Dorseton, Miller Hereford Pet Oct 17 Ord Oct 17
LOWE, SARAH, Halifax, Poultry Dealer Halifax Pet Oct 20 Ord Oct 20
MANKIN, WILLIAM, Brompton, Yorks, Joiner Northallerton Pet Oct 19 Ord Oct 19
MAYHEW, MARY, Upper Montague st, Widow High Court Pet June 19 Ord Oct 17
MINTON, FREDERICK JAMES, Castle Donington, Hay Dealer Leicester Pet Aug 31 Ord Oct 16
MOORE, LORENZO, Brighton, Commission Agent Brighton Pet Aug 24 Ord Oct 18
MORGAN, WILLIAM RICHARD, Cardigan, Hotel Keeper Carmarthen Pet Sept 19 Ord Oct 19
MORRIS, ARTHUR FREDERICK, Warwick, Coal Dealer Warwick Pet Oct 19 Ord Oct 19
NOCK, ARTHUR GILBEY, Birmingham, Commercial Traveller Birmingham Pet Oct 3 Ord Oct 18
OLDHAM, ARTHUR, Tiverton, Colonel Exeter Pet Oct 4 Ord Oct 19
O'SULLIVAN, JOHN DANIEL, Aberbeg, Surgeon Tredegar Pet Oct 19 Ord Oct 20
PEEBLES, JOHN, Manchester, Boot Dealer Warrington Pet Oct 19 Ord Oct 18
PHILLIPS, THOMAS, Llandissilio, Grocer Pembroke Dock Pet Oct 19 Ord Oct 20
PICKUP, SAMUEL, Manchester, Boothouse Agent Manchester Pet Sept 12 Ord Oct 20
PURMAN, GEORGE, Stanshaw, Baker Portsmouth Pet Sept 5 Ord Oct 17
RICHINGS, EDWARD JOHN, Upton St Leonards, Milkman Gloucester Pet Oct 20 Ord Oct 20
SAVILLE, EDWIN, Bradford, Warehouseman Bradford Pet Oct 18 Ord Oct 18
SHUTE, WILLIAM ASHLEY, Darlington, Coal Miner Stockton on Tees Pet Oct 19 Ord Oct 19
SPARROW, HENRY, Wickhambrook, Farmer Cambridge Pet Oct 18 Ord Oct 19
STILLMAN, JAMES, Southend, Cabdriver Chelmsford Pet Oct 19 Ord Oct 19
THOMAS, ALFRED NOEL, Tottenham, Traveller Edmonton Pet Oct 6 Ord Oct 17
THOMPSON, JOSEPH FREDERICK, East Dulwich, Builder High Court Pet June 9 Ord Oct 18
TOWERS, ALFRED, Chelmsford, Coal Merchant Chelmsford Pet Oct 16 Ord Oct 17
TRAVES, JOSEPH, Christchurch, Builder Poole Pet Sept 24 Ord Oct 16
VICKEY, SARAH, Bristol, Confectioner Bristol Pet Oct 19 Ord Oct 19
WALKER, WILLIAM, Old Malton, Scarborough Pet Oct 18 Ord Oct 18
WARD, WILLIAM, Bradford, Yorks, Worsted Manufacturer Bradford Pet Oct 19 Ord Oct 19
WARREN, GEORGE WILLIAM, Norwich, Furniture Dealer Norwich Pet Oct 18 Ord Oct 19
WARRILLOW, HARRY, Stoke upon Trent, Stoke upon Trent Pet Sept 13 Ord Oct 19
WHITE, JOSEPH, Bournemouth, Builder Poole Pet Oct 15 Ord Oct 19
WHITHEAD, LOUIS, Kingston upon Hull, Grocer Kingston upon Hull Pet Oct 19 Ord Oct 19
WYRE, THOMAS JOSEPH, West Bromwich, Tobaccoist West Bromwich Pet Oct 16 Ord Oct 17

The following amended notice is substituted for that published in the London Gazette, Sept. 28:—
THOMPSON, SARAH, Southsea, Lodging house Keeper Portsmouth Pet Sept 25 Ord Sept 25

SALES OF ENSUING WEEK.

Oct. 29.—**Messrs. CHARLES & TUBBS**, at the Mart, E.C., at 2 o'clock, Freehold Ground-rents (see advertisements, Oct. 13, p. 800; Oct. 20, p. 4; this week, p. 4).
 Oct. 30.—**Messrs. DRIVER & CO.** (in conjunction with **Messrs. CHESTERTON & SONS**), at the Mart, E.C., at 2 o'clock, Leasehold Family Mansion (see advertisement, Oct. 6, p. 4; Oct. 20, p. 4).
 Oct. 30.—**Messrs. ELLIS & SON**, at the Mart, E.C., at 2 o'clock, Leasehold Residences (see advertisements, Oct. 20, p. 4).
 Oct. 31.—**Messrs. EDWIN FOX & BOUSFIELD**, at the Mart, E.C., at 2 o'clock, Freehold Property (see advertisement, Oct. 20, p. 4).
 Nov. 1.—**Messrs. H. E. FOSTER & CRANFIELD**, at the Mart, E.C., at 2 o'clock, Absolute and Contingent Reversions, Share in Freehold Properties, Policies of Assurance (see advertisement, this week, p. 4).

Subscription, PAYABLE IN ADVANCE, which includes Indexes, Digests, Statutes, and Postage, 52s. WEEKLY REPORTER, in wrapper, 6s.; by Post, 28s. SOLICITORS' JOURNAL, 26s. 0d.; by Post, 28s. 0d. Volumes bound at the office—cloth, 2s. 9d., half law calf, 5s. 6d.

Where difficulty is experienced in procuring the Journal with regularity, it is requested that application be made direct to the Publisher.

All letters intended for publication in the "Solicitors' Journal" must be authenticated by the name of the writer.

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Upset Price £500.—No. 75, Balfour-road, Highbury New Park, containing five bedrooms, fitted bath-room, three reception-rooms, kitchen and good domestic offices; garden; lease about 55 years; ground-rent 26 6s.

MR. FRANK M. HILBERRY will SELL the Above, at the MART, City, on TUESDAY NEXT, at TWO precisely.
 Particulars of Messrs. F. W. & H. Hilbery, Solicitors, 20, Great St. Helen's, E.C., and 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, Great St. Helen's, E.C.

REVERSIONS, ANNUITIES, LIFE INTERESTS, LIFE POLICIES, &c.

MESSRS. H. E. FOSTER & CRANFIELD (successors to Marsh, Milner, & Co.), Land and Reversion Valuers and Auctioneers, may be consulted upon all questions appertaining to the above interests. Their Periodical Sales (established by the late Mr. H. E. Marsh in 1843) occur on the First Thursday in each Month throughout the year, and are the recognised medium for realising this description of property. Advances made, if required, pending completion, or permanent mortgages negotiated.—Address, 6, Poultry, London, E.C.

SALES BY AUCTION FOR THE YEAR 1894.

MESSRS. DEBENHAM, TEWSON, FARMER, & BRIDGEWATER beg to announce that their SALES OF LANDED ESTATES, Investments, Town, Suburban, and Country Houses, Business Premises, Building Land, Ground-Rents, Advowsons, Reversions, Stocks, Shares, and other Properties will be held at the AUCTION MART, Tokenhouse-yard, near the Bank of England, in the City of London, as follows:—

1894.
 Tuesday, Oct. 30 | Tuesday, Nov. 13 | Tuesday, Dec. 4
 Auctions can also be held on other days, in town or country, by arrangement. Messrs. Debenham, Tewson, Farmer, & Bridgewater undertake Sales and Valuations for Probate and other purposes, of Furniture, Pictures, Farming Stock, Timber, &c.

DETAILED LISTS OF INVESTMENTS, Estates, Sporting Quarters, Residences, Shops, and Business Premises to be Let or Sold by private contract are published on the 1st of each month, and can be obtained of Messrs. Debenham, Tewson, Farmer, & Bridgewater, Estate Agents, Surveyors, and Valuers, 80, Cheapside, London, E.C. Telephone No. 1,503.

MESSRS. STIMSON & SONS,

Auctioneers, Surveyors, and Valuers,
 5, MOORGATE STREET, BANK, E.C.,
 AND
 2, NEW KENT ROAD, S.E.
 (Opposite the Elephant and Castle).

AUCTION SALES are held at the Mart, Tokenhouse-yard, City, on the second and last Thursdays in each month and on other days as occasion may require.

STIMSON & SONS undertake SALES and LETTINGS by PRIVATE TREATY, Valuations, Surveys, Negotiation of Mortgages, Receiverships in Chancery, Sales by Auction of Furniture and Stock, Collection of Rents, &c. Separate printed Lists of Homes, Property, Ground-Rents for Sale, and Houses, &c., to be Let, are issued on the 1st of each month, and can be had gratis on application or free by post for two stamps. No charge for insertion. Telegraphic address, "Servabo, London."

Forthcoming Sales for the Year 1894.

MESSRS. E. & H. LUMLEY, of St. James's-house, 22, St. James's-street, London, S.W., beg to announce for the forthcoming year the following DAYS OF SALE, at the AUCTION MART, Tokenhouse-yard, E.C., but in addition other dates can be arranged for special sales. Terms on application:—

Tuesday, Nov. 6 | Tuesday, Dec. 4
Messrs. E. & H. Lumley announce in the advertisement columns of "The Times" on Wednesdays and Saturdays, a complete list of their Sales, which will include Estates in England, Ireland, and Scotland, town and country properties, ground-rents, reversions, gas and water shares, &c. In cases where property is to be included in these sales, ample notice should be given in order to insure due publicity.—St. James's-house, 22, St. James's-street, S.W.

AUCTION SALES AT DEPTFORD, WOOLWICH, LONDON, AND ELSEWHERE.

MESSRS. HARDS & BRADLY, Auctioneers, Estate Agents, and Valuers, hold Periodical SALES at the "TOWER CASTLE," DEPTFORD; 31, CHURCH LANE, WOOLWICH; at the MART, CITY, and elsewhere. Messrs. Hards & Bradly, who also undertake Rent Collections, Surveys and Valuations for all purposes, will be pleased to quote terms for the Sale of Properties intended to be submitted to Public Auction or otherwise.—Office: Greenwich; 31, Green's End, Woolwich; and 188, Fenchurch-street, E.C.

MESSRS. H. GROGAN & CO., 101, Park-street, Grosvenor-square, beg to call the attention of intending Purchasers to the many attractive West-End Houses which they have for Sale. Particulars on application. Surveys and Valuations attended to.

AUCTION SALES.

MESSRS. FIELD & SONS' AUCTIONS take place MONTHLY, at the MART, and include every description of House Property. Printed terms can be had on application at their Offices. Messrs. Field & Sons undertake surveys of all kinds, and give special attention to Rating and Compensation Claims. Offices: 54, Borough High-street, and 52, Chancery-lane, W.C.

SPLENDID LONG LEASEHOLD INVESTMENT.—Baywater.—Free from trouble, risk, or anxiety. A commanding Terrace of Eight noble Residences; omnibuses pass the door; net income £480, increasing to £580 per annum; leases 57 years unexpired; price only £2,400. Over £2,000 has just been expended upon the eight houses, which are each in really splendid order and condition, and well let to high-class substantial tenants; sanitation perfect.—Full particulars from Owner, Mr. LILLEY, Kenley, Surrey.

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TO TRUSTEES, Executors, and Traders.—THE LONDON AND MIDLAND ASSETS COMPANY (LIMITED) are prepared to Purchase Book or other kind of Debts, in any part of the United Kingdom.—Address, with particulars, to SECRETARY, 14 & 15, Coleman-street, London, E.C.

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PARTNERSHIP.—Solicitor (Honours), age 31, seven years Managing in London, desires Partnership or Clerkship with view thereto.—Address, in strict confidence, NORTHERN, "Solicitors' Journal" Office, 27, Chancery-lane, W.C.

LAW.—Wanted Soon, thoroughly experienced Conveyancing Clerk, with or without supervision; neat draftsman; age about 35; unadmitted or partially restricted from practice.—Apply first by letter, EARLE & CO., Brown-street, Manchester.

LAW.—Conveyancing and General Clerkship Wanted; thoroughly efficient in trust and Revenue accounts, probate costs, and general work; excellent accountant and good shorthand writer; capable manager, with very slight supervision; age 35; moderate salary for improving post; highest references; interview by appointment.—H. H., Box 637, Willings', 125, Strand.

LAW.—Practice Wanted.—A Retired Solicitor, of ability and reputation, with ample capital, wishing to resume work, desires to Purchase sound Connection.—Address, in confidence, LEX, care of Munton & Morris, Solicitors, 96a, Queen Victoria-street, London.

YOUNG SOLICITOR (B.A. Oxon.), Articled in London, admitted June, 1894, desires Engagement; Conveyancing or Chancery, under supervision.—Address, C. S. BIGG, 17, Longridge-road, London, S.W.

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Corporation Robes, University and Clergy Gowns

ESTABLISHED 1699.

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The Public General Statutes

FOR THE SESSION

57 & 58 VICTORIA, 1894.

[STATUTES OF PRACTICAL IMPORTANCE RELATING TO ENGLAND AND WALES ONLY
ARE SET OUT AT LENGTH.]

"SOLICITORS' JOURNAL" OFFICE, 27, CHANCERY LANE, LONDON.

1894.

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STATUTES.

56 & 57 VICTORIA.

PASSED AFTER THE ADJOURNMENT.

CHAPTER 61.

[Public Authorities Protection Act, 1893.]

An Act to generalize and amend certain statutory provisions for the protection of persons acting in the execution of statutory and other public duties. [5th December 1893.]

Be it enacted, &c.:

1. Protection of persons acting in execution of statutory or other public duty.] Where after the commencement of this Act any action, prosecution, or other proceeding is commenced in the United Kingdom against any person for any act done in pursuance, or execution, or intended execution of any Act of Parliament, or of any public duty or authority, or in respect of any alleged neglect or default in the execution of any such Act, duty, or authority, the following provisions shall have effect:

(a.) The action, prosecution, or proceeding shall not lie or be instituted unless it is commenced within six months next after the act, neglect, or default complained of, or, in case of a continuance of injury or damage, within six months next after the ceasing thereof:

(b.) Wherever in any such action a judgment is

obtained by the defendant, it shall carry costs to be taxed as between solicitor and client:

(c.) Where the proceeding is an action for damages, tender of amends before the action was commenced may, in lieu of or in addition to any other plea, be pleaded. If the action was commenced after the tender, or is proceeded with after payment into court of any money in satisfaction of the plaintiff's claim, and the plaintiff does not recover more than the sum tendered or paid, he shall not recover any costs incurred after the tender or payment, and the defendant shall be entitled to costs, to be taxed as between solicitor and client, as from the time of the tender or payment; but this provision shall not affect costs on any injunction in the action:

(d.) If, in the opinion of the court, the plaintiff has not given the defendant a sufficient opportunity of tendering amends before the commencement of the proceeding the court may award to the defendant costs to be taxed as between solicitor and client.

This section shall not affect any proceedings by any department of the Government against any local authority or officer of a local authority.

2. Repeal.] There shall be repealed as to the United Kingdom so much of any public general Act as enacts that in any proceeding to which this Act applies—

(a.) the proceeding is to be commenced in any particular place; or
(b.) the proceeding is to be commenced within any particular time; or
(c.) notice of action is to be given; or
(d.) the defendant is to be entitled to any particular kind or amount of costs, or the plaintiff is to be deprived of costs in any specified event; or

(e.) the defendant may plead the general issue; and in particular there shall be so repealed the enactments specified in the schedule to this Act to the extent in that schedule mentioned.

This repeal shall not affect any proceeding pending at the commencement of this Act.

3. Saving as to Scotland.] This Act shall not apply to any action, prosecution, or other proceeding for any act done in pursuance or execution, or intended execution, of any Act of Parliament, or in respect of any alleged neglect or default in the execution of any Act of Parliament, or on account of any act done in any case instituted under an Act of Parliament, when that Act of Parliament applies to Scotland only, and contains a limitation of the time and other conditions for the action, prosecution, or proceeding.

4. Commencement.] This Act shall come into operation on the first day of January one thousand eight hundred and ninety-four.

5. Short title.] This Act may be cited as the Public Authorities Protection Act, 1893.

SCHEDULE.

ENACTMENTS REPEALED.

[Section 2.]

Session and Chapter.	Title.
43 Eliz. c. 2—in part	The Poor Relief Act, 1601—in part; namely,— Section eighteen.
3 Jas. 1, c. 10—in part	An Acte for the rating and levying of the charges for conveying malefactors and offenders to the gaole—in part; namely,— Section three.
7 Jas. 1, c. 5	An Acte for ease in pleading against troublesome and contentious suites prosecuted against Justices of the Peace, Maiors, Constables, and certaine other His Majesties officers, for the lawfull execution of their office.
21 Jas. 1, c. 12	An Acte for ease in Pleading against troublesome and contentious suits.
3 Chas. 1, c. 2—in part	An Act for the further reformation of sundry abuses committed on the Lord's Day commonlie called Sunday—in part; namely,— from "that such bill plaint or information" to "Provided farther."
31 Chas. 2, c. 2—in part	The Habeas Corpus Act, 1679—in part; namely,— Section nineteen.
8 & 9 Will. 3, c. 27—in part	An Acte for the more effectual relief of creditors in cases of escapes and for preventing abuses in prisons and pretended priviledged places—in part; namely,— Section seventeen.
1 Anne, c. 12—in part	An Act the title whereof begins with the words—An Act to explain—and ends with the words—Rochester Bridge—in part; namely,— Section seven.
1 Anne, Stat. 2, c. 6—in part	An Act for the better preventing escapes out of the Queen's Bench and Fleet Prisons—in part; namely,— Section five.
6 Geo. 2, c. 35—in part	An Act for enforcing the laws against foreign Lotteries—in part; namely,— Section thirty-two.

Session and Chapter.	Title.
8 Geo. 2, c. 13—in part	The Engraving Copyright Act, 1734— in part; namely,— Section three.
12 Geo. 2, c. 26—in part	An Act for the better preventing frauds and abuses in gold and silver wares— in part; namely,— Section twenty-three.
12 Geo. 2, c. 28—in part	The Gaming Act, 1738. in part; namely,— Section twelve.
12 Geo. 2, c. 29—in part	An Act for the more easy assessing, collecting, and levying of the county rates— in part; namely,— Section twenty-four.
15 Geo. 2, c. 20—in part	An Act to prevent the counterfeiting of Gold and Silver Lace; and for settling and adjusting the Proportions of fine Silver and Silk; and for the better making of Gold and Silver Thread— in part; namely,— Section ten.
17 Geo. 2, c. 38—in part	The Poor Relief Act, 1743— in part; namely,— Sections nine and ten.
19 Geo. 2, c. 21—in part	The Profane Oaths Act, 1745— in part; namely,— Section eleven.
29 Geo. 2, c. 36—in part	An Act for enclosing, by the mutual consent of the Lord and Tenants, Part of any Common for the purpose of planting and preserving Trees fit for Timber or Underwood; and for more effectually preventing the unlawful Destruction of Trees— in part; namely,— Section ten.
31 Geo. 2, c. 22—in part	An Act for granting to His Majesty several Rates and Duties upon Offices and Pensions— in part; namely,— Section seventy-nine.
7 Geo. 3, c. 38—in part	The Engraving Copyright Act, 1766— in part; namely,— Section eight.
10 Geo. 3, c. 47—in part	The East India Company Act, 1770— in part; namely,— Sections five and seven.
13 Geo. 3, c. 82—in part	An Act the title whereof begins with the words—An Act for the better regulation of Lying-in Hospitals—and ends with the words—and Places— in part; namely,— Sections seventeen and eighteen.
15 Geo. 3, c. 53—in part	The Copyright Act, 1775— in part; namely,— Section seven.
17 Geo. 3, c. 11—in part	An Act for more effectually preventing Frauds and Abuses committed by persons employed in the manufac- tures of Combing Wool, Worsted Yarn, and Goods made from Worsted, in the counties of York, Lan- caster, and Chester— in part; namely,— Section twenty-four.
17 Geo. 3, c. 56—in part	An Act the title whereof begins with the words—An Act for amending—and ends with the words—by Journeymen Dyers— in part; namely,— Section twenty-five.
23 Geo. 3, c. 15—in part	An Act for rendering more effectual the provisions contained in an Act of the thirteenth year of King George the First, for preventing frauds and abuses in the dyeing trade— in part; namely,— Section fifteen.
26 Geo. 3, c. 71—in part	The Knackers Act, 1786— in part; namely,— Section eighteen.
28 Geo. 3, c. 7—in part	An Act the title whereof begins with the words—An Act to amend—and ends with the words—Silver thread— in part; namely,— Section six.
36 Geo. 3, c. 52—in part	The Legacy Duty Act, 1796— in part; namely,— Section forty-seven.
36 Geo. 3, c. 60—in part	An Act to regulate the making and vending of Metal Buttons, and to prevent the Purchasers thereof from being deceived in the real Quality of such Buttons— in part; namely,— Section twenty-one.
36 Geo. 3, c. 88—in part	An Act the title whereof begins with the words—An Act to regulate the buying and selling of Hay and Straw— and ends with the words—Limits therein mentioned— in part; namely,— Section thirty-one.
38 Geo. 3, c. 5—in part	The Land Tax Act, 1797— in part; namely,— Section thirty-nine.
39 Geo. 3, c. 79—in part	The Unlawful Societies Act, 1799— in part; namely,— Section thirty-seven.
41 Geo. 3, c. 79—in part	The Public Notaries Act, 1801— in part; namely,— Section seventeen.
42 Geo. 3, c. 85—in part	An Act the title whereof begins with the words—An Act for trying—and ends with the words—safe custody— in part; namely,— Section six to "Provided always that."
42 Geo. 3, c. 119—in part	The Gaming Act, 1802— in part; namely,— Section eight.

Session and Chapter.	Title.
45 Geo. 3, c. 28—in part	An Act for granting to His Majesty additional Stamp Duties in Great Britain on certain Legacies— in part; namely,— Section twelve.
50 Geo. 3, c. 108—in part	An Act to amend and enlarge the Powers of an Act passed in the second year of His present Majesty, for the encouragement of the Fisheries of this Kingdom, and the protection of the Persons employed therein— in part; namely,— Section fifteen.
52 Geo. 3, c. 38—in part	The Militia (England) Act, 1812— in part; namely,— Section two hundred and six.
52 Geo. 3, c. 155—in part	An Act to repeal certain Acts and amend other Acts relating to Religious Worship and assemblies, and persons teaching or preaching therein— in part; namely,— Section eighteen.
53 Geo. 3, c. 127—in part	An Act for the better regulation of Ecclesiastical Courts in England, and for the more easy recovery of Church rates and tithes— in part; namely,— Section twelve.
54 Geo. 3, c. 159—in part	The Harbours Act, 1814— in part; namely,— Section twenty-seven.
55 Geo. 3, c. 194—in part	The Apothecaries Act, 1815— in part; namely,— Section thirty.
57 Geo. 3, c. 19—in part	The Seditious Meetings Act, 1817— in part; namely,— Sections thirty-two and thirty-three.
58 Geo. 3, c. 45—in part	The Church Building Act, 1818— in part; namely,— Section eighty-three.
60 Geo. 3 and 1 Geo. 4, c. 1—in part ...	An Act to prevent the training of persons to the use of arms, and to the practice of military evolutions and exercise— in part; namely,— Sections five and six.
60 Geo. 3 and 1 Geo. 4, c. 8—in part ...	An Act for the more effectual prevention and punishment of blasphemous and seditious libels— in part; namely,— Sections eight and nine.
4 Geo. 4, c. 60—in part	An Act for granting to His Majesty a sum of money to be raised by Lotteries— in part; namely,— Section sixty-eight.
4 Geo. 4, c. 80—in part	An Act to consolidate and amend the several Laws now in force with respect to Trade from and to places within the limits of the Charter of the East India Company, and to make further provisions with respect to such trade. in part; namely,— Section thirty-three.
5 Geo. 4, c. 83—in part	The Vagrancy Act, 1824— in part; namely,— Section nineteen.
5 Geo. 4, c. 84—in part	The Transportation Act, 1824— in part; namely,— Sections twenty-seven and twenty-eight.
5 Geo. 4, c. 96—in part	The Masters and Workmen Arbitration Act, 1824— in part; namely,— Sections thirty-three and thirty-four.
6 Geo. 4, c. 50—in part	The Juries Act, 1825— in part; namely,— Sections fifty-eight and fifty-nine.
6 Geo. 4, c. 78—in part	The Quarantine Act, 1825— in part; namely,— Section thirty-seven.
7 Geo. 4, c. 63—in part	An Act to provide for repairing, improving, and rebuilding Shire Halls, County Halls, and other buildings for holding the Assizes and Grand Sessions, and also Judges' lodgings, throughout England and Wales— in part; namely,— Section twenty-one.
9 Geo. 4, c. 61—in part	The Alehouse Act, 1828— in part; namely,— Section thirty.
9 Geo. 4, c. 82	The Lighting of Towns (Ireland) Act, 1828— in part; namely,— Section seventy-four.
10 Geo. 4, c. 24—in part	The Government Annuities Act, 1829— in part; namely,— Section fifty-one.
1 & 2 Will. 4, c. 22—in part	The London Hackney Carriage Act, 1831— in part; namely,— Section seventy-three.
1 & 2 Will. 4, c. 32—in part	The Game Act, 1831— in part; namely,— Section forty-seven.
1 & 2 Will. 4, c. 41—in part	The Special Constables Act, 1831— in part; namely,— Section nineteen.
2 & 3 Will. 4, c. 75—in part	The Anatomy Act, 1832— in part; namely,— Section seventeen.
2 & 3 Will. 4, c. 93—in part	An Act for enforcing the process upon contempts in the Courts Ecclesiastical of England and Ireland— in part; namely,— Section five.

Session and Chapter.	Title.
2 & 3 Will. 4, c. 120—in part	The Stage Carriages Act, 1832— in part; namely,— Section one hundred and sixteen.
3 & 4 Will. 4, c. 90—in part	The Lighting and Watching Act, 1833— in part; namely,— Section sixty-nine.
3 & 4 Will. 4, c. 93—in part	An Act to regulate the trade to China and India— in part; namely,— Section nine.
4 & 5 Will. 4, c. 76—in part	The Poor Law Amendment Act, 1834— in part; namely,— Section one hundred and four.
5 & 6 Will. 4, c. 50—in part	The Highway Act, 1835— in part; namely,— Section one hundred and nine.
6 & 7 Will. 4, c. 37—in part	The Bread Act, 1836— in part; namely,— Section thirty.
6 & 7 Will. 4, c. 71—in part	The Tithe Act, 1836— in part; namely,— Section ninety-four.
7 Will. 4 and 1 Vict. c. 36—in part	The Post Office (Offences) Act, 1837— in part; namely,— Section forty-six.
2 & 3 Vict. c. 71—in part	The Metropolitan Police Courts Act, 1839— in part; namely,— Section fifty-three.
3 & 4 Vict. c. 50—in part	An Act to provide for keeping the Peace on canals and navigable rivers— in part; namely,— Section eighteen.
4 & 5 Vict. c. 30—in part	The Ordnance Survey Act, 1841— in part; namely,— Section fourteen.
4 & 5 Vict. c. 35—in part	The Copyhold Act, 1841— in part; namely,— Section ninety-five.
5 & 6 Vict. c. 45—in part	The Copyright Act, 1842— in part; namely,— Section twenty-six.
5 & 6 Vict. c. 97—in part	An Act to amend the Law relating to double costs, notices of action, limitations of actions, and pleas of the general issue under general Acts of Parliament— in part; namely,— Section two.
6 & 7 Vict. c. 40—in part	The Hosiery Act, 1843— in part; namely,— Section thirty-one, to "on behalf of the defendant or avowant."
6 & 7 Vict. c. 86—in part	The London Hackney Carriages Act, 1843— in part; namely,— Section forty-seven.
7 & 8 Vict. c. 19—in part	An Act for regulating the Bailiffs of Inferior Courts— in part; namely,— Section eight.
7 & 8 Vict. c. 22—in part	The Gold and Silver Wares Act, 1844— in part; namely,— Section thirteen.
8 & 9 Vict. c. 63—in part	An Act to facilitate the completion of a Geological Survey of Great Britain and Ireland, under the direction of the First Commissioner for the time being of Her Majesty's Woods and Works— in part; namely,— Section five.
8 & 9 Vict. c. 113—in part	The Inclosure Act, 1845— in part; namely,— Section one hundred and sixty-five.
10 & 11 Vict. c. 16—in part... ..	The Commissioners Clauses Act, 1847— in part; namely,— Section one hundred and three.
11 & 12 Vict. c. 44—in part... ..	The Justices Protection Act, 1848— in part; namely,— Section ten to "Provided always that."
11 & 12 Vict. c. 83—in part... ..	Sections eleven, twelve, and fourteen. An Act to confirm the Awards of Assessionable Manors Commissioners, and for other purposes relating to the Duchies of Cornwall and Lancaster— in part; namely,— Section twelve.
12 & 13 Vict. c. 16—in part... ..	The Justices Protection (Ireland) Act, 1849— in part; namely,— Sections eight, nine, and twelve. In section thirteen, the words "or any costs of suit whatsoever."
12 & 13 Vict. c. 92—in part... ..	Section fourteen. The Cruelty to Animals Act, 1849— in part; namely,— Section twenty-seven.
17 & 18 Vict. c. 103—in part	The Towns Improvement (Ireland) Act, 1854— in part; namely,— Section ninety-five.
18 & 19 Vict. c. 119—in part	The Passengers Act, 1855— in part; namely,— Section ninety-three.

Session and Chapter.	Title.
18 & 19 Vict. c. 122—in part	The Metropolitan Building Act, 1855— in part; namely,— Section one hundred and eight.
22 & 23 Vict. c. 66—in part... ..	The Sale of Gas Act, 1859— in part; namely,— Sections twenty-seven and twenty-eight.
24 & 25 Vict. c. 96—in part... ..	The Larceny Act, 1861— in part; namely,— Section one hundred and thirteen.
24 & 25 Vict. c. 97—in part... ..	The Malicious Damage Act, 1861— in part; namely,— Section seventy-one.
24 & 25 Vict. c. 99—in part... ..	The Coinage Offences Act, 1861— in part; namely,— Section thirty-three.
25 & 26 Vict. c. 102—in part	The Metropolis Management Amendment Act, 1862— in part; namely,— Section one hundred and six.
27 & 28 Vict. c. 25—in part	The Naval Prize Act, 1864— in part; namely,— Section fifty-one.
28 & 29 Vict. c. 125—in part	The Dockyard Ports Regulation Act, 1865— in part; namely,— Section twenty-four.
28 & 29 Vict. c. 126—in part	The Prison Act, 1865— in part; namely,— Sections forty-nine and fifty.
34 & 35 Vict. c. 43—in part... ..	The Ecclesiastical Dilapidations Act, 1871— in part; namely,— Section sixty-eight.
33 & 39 Vict. c. 55—in part	The Public Health Act, 1875— in part; namely,— Section two hundred and sixty-four.
39 & 40 Vict. c. 36—in part... ..	The Customs Consolidation Act, 1876— in part; namely,— Sections two hundred and sixty-eight to two hundred and seventy-two.
40 & 41 Vict. c. 13—in part... ..	The Customs, Inland Revenue, and Savings Bank Act, 1877— in part; namely,— Section four.
41 & 42 Vict. c. 52—in part... ..	The Public Health (Ireland) Act, 1878— in part; namely,— Section two hundred and sixty-three.
43 & 44 Vict. c. 19—in part... ..	The Taxes Management Act, 1880— in part; namely,— Section twenty, to "every such action or suit."
51 & 52 Vict. c. 43—in part	The County Courts Act, 1888— in part; namely,— Section fifty-three.
53 & 54 Vict. c. 5—in part	The Lunacy Act, 1890— in part; namely,— Section three hundred and thirty-one.
54 & 54 Vict. c. 21—in part... ..	The Inland Revenue Regulation Act, 1890— in part; namely,— Section twenty-eight.

CHAPTER 62.

[*Madras and Bombay Armies Act, 1893.*]

An Act to amend the Law relating to the Madras and Bombay Armies.

[5th December 1893.]

CHAPTER 63.

[*Married Women's Property Act, 1893.*]

An Act to amend the Married Women's Property Act, 1882.

[5th December 1893.]

Be it enacted, &c.:

1. *Effect of contracts by married women.* Every contract hereafter entered into by a married woman, otherwise than as agent,

(a) shall be deemed to be a contract entered into by her with respect to and to bind her separate property whether she is or is not in fact possessed of or entitled to any separate property at the time when she enters into such contract;

(b) shall bind all separate property which she may at that time or thereafter be possessed of or entitled to; and

(c) shall also be enforceable by process of law against all property which she may there-

after while discover be possessed of or entitled to;

Provided that nothing in this section contained shall render available to satisfy any liability or obligation arising out of such contract any separate property which at that time or thereafter she is restrained from anticipating.

2. *Costs may be ordered to be paid out of property subject to restraint on anticipation.* In any action or proceeding now or hereafter instituted by a woman or by a next friend on her behalf, the court before which such action or proceeding is pending shall have jurisdiction by judgment or order from time to time to order payment of the costs of the opposite party out of property which is subject to a restraint on anticipation, and may enforce such payment by the appointment of a receiver and the sale of the property or otherwise as may be just.

3. *Will of married woman.* Section twenty-four of the Wills Act, 1837, shall apply to the will of a married woman made during coverture whether she is or is not possessed of or entitled to any separate property at the time of making it, and such will shall not require to be re-executed or republished after the death of her husband.

4. *Repeal.* Sub-sections (3) and (4) of section one of the Married Women's Property Act, 1882, are hereby repealed.

5. *Short title.* This Act may be cited as the Married Women's Property Act, 1893.

6. *Extent.* This Act shall not apply to Scotland.

CHAPTER 64.

[*National Debt Redemption Act, 1893.*]

An Act to authorize the Redemption of the New Three pounds ten shillings per centum Annuities.

[5th December 1893.]

CHAPTER 65.

[*Public Works Loans (No. 3) Act, 1893.*]

An Act to amend certain provisions relating to Local Loans in Ireland.

[5th December 1893.]

CHAPTER 66.

[*Rules Publication Act, 1893.*]

An Act for the Publication of Statutory Rules.

[21st December 1893.]

Be it enacted, &c.:

1. *Notice of and representation respecting certain*

draft rules.] (1.) At least forty days before making any statutory rules to which this section applies, notice of the proposal to make the rules, and of the place where copies of the draft rules may be obtained, shall be published in the London Gazette.

(2.) During those forty days any public body may obtain copies of such draft rules on payment of not exceeding threepence per folio, and any representations or suggestions made in writing by a public body interested to the authority proposing to make the rules shall be taken into consideration by that authority before finally settling the rules; and on the expiration of those forty days the rules may be made by the rule-making authority, either as originally drawn or as amended by such authority, and shall come into operation forthwith or at such time as may be prescribed in the rules.

(3.) Any enactment which provides that any statutory rules to which this section applies shall not come into operation for a specified period after they are made is hereby repealed, but this repeal shall not affect section thirty-seven of the Interpretation Act, 1889 [52 & 53 Vict. c. 63].

(4.) The statutory rules to which this section applies are those made in pursuance of any Act of Parliament which directs the statutory rules to be laid before Parliament, but do not include any statutory rules if the same or a draft thereof are required to be laid before Parliament for any period before the rules come into operation, nor do they include rules made by the Local Government Board for England or Ireland, the Board of Trade, or the Revenue Departments, or by or for the purposes of the Post Office; nor rules made by the Board of Agriculture under the Contagious Diseases (Animals) Act, 1878, and the Acts amending the same [41 & 42 Vict. c. 74; 55 & 56 Vict. c. 47].

(5.) This section shall not apply to Scotland.

(6.) In the case of any rules which it is proposed shall extend to Ireland, publication in the Dublin Gazette of the notice required by this section shall be requisite in addition to, or, if they extend to Ireland only, in lieu of, publication in the London Gazette.

2. *Provisional rules in certain cases.* Where a rule-making authority certifies that on account of urgency or any special reason any rule should come into immediate operation, it shall be lawful for such authority to make any such rules to come into operation forthwith as provisional rules, but such provisional rules shall only continue in force until rules have been made in accordance with the foregoing provisions of this Act.

3. *Printing, numbering, and sale of statutory rules.* (1.) All statutory rules made after the thirty-first day of December next after the passing of this Act shall forthwith after they are made be sent to the Queen's printer of Acts of Parliament, and shall, in accordance with regulations made by the Treasury, with the concurrence of the Lord Chancellor and the Speaker of the House of Commons, be numbered, and (save as provided by the regulations) printed, and sold by him.

(2.) Any statutory rules may, without prejudice to any other mode of citation, be cited by the number so given as above mentioned and the calendar year.

(3.) Where any statutory rules are required by any Act to be published or notified in the London, Edinburgh, or Dublin Gazette, a notice in the Gazette of the rules having been made, and of the place where copies of them can be purchased, shall be sufficient compliance with the said requirement.

(4.) Regulations under this section may provide for the different treatment of statutory rules which are of the nature of public Acts, and of those which are of the nature of local and personal or private Acts; and may determine the classes of cases in which the exercise of a statutory power by any rule-making authority constitutes or does not constitute the making of a statutory rule within the meaning of this section, and may provide for the exemption from this section of any such classes.

(5.) In the making of such regulations, each Government department concerned shall be con-

sulted, and due regard had to the views of that department.

4. *Definitions.* In this Act—

"Statutory rules" means rules, regulations, or byelaws made under any Act of Parliament which (a) relate to any court in the United Kingdom, or to the procedure, practice, costs, or fees therein, or to any fees or matters applying generally throughout England, Scotland, or Ireland; or (b) are made by Her Majesty in Council, the Judicial Committee, the Treasury, the Lord Chancellor of Great Britain, or the Lord Lieutenant or the Lord Chancellor of Ireland, or a Secretary of State, the Admiralty, the Board of Trade, the Local Government Board for England or Ireland, the Chief Secretary for Ireland, or any other Government Department.

"Rule-making authority" includes every authority authorized to make any statutory rules.

5. *Short title.* This Act may be cited as the Rules Publication Act, 1893.

CHAPTER 67.

[Shop Hours Act, 1893.]

An Act to amend the Shop Hours Act, 1892. [21st December 1893.]

Be it enacted, &c.:

1. *Short titles.* This Act may be cited as the Shop Hours Act, 1893, and this Act and the Shop Hours Act, 1892, may be cited together as the Shop Hours Acts, 1892 and 1893.

2. *Salaries and expenses.* (1.) Any salaries payable or other expenses incurred by the county or a borough for the purposes of the Shop Hours Act, 1892, shall be defrayed by the council of a county out of the county fund, and by the council of a borough out of the borough fund or borough rate.

(2.) In Ireland, such salaries and expenses shall be defrayed, if payable or incurred by the council of a municipal borough out of the borough fund or borough rate, and, if payable or incurred by the commissioners of a town or township, out of any rate leviable by them as such commissioners throughout the whole of their district.]

3. *Definitions.* In the application to Scotland of the Shop Hours Act, 1892, and of this Act,—

The expression "council of a county or a borough" means the county council of a county and the commissioners of police of burghs in which there are such commissioners, and in burghs in which there are no such commissioners the town council.

The expressions "county fund" shall mean the general purposes rate, and "borough fund or borough rate" shall mean, in burghs in which there are commissioners of police, the police assessment, or in their option the public health assessment; and in burghs in which there are no such commissioners any assessment levied by the town council.

CHAPTER 68.

[Isolation Hospitals Act, 1893.]

An Act for enabling County Councils to promote the establishment of Hospitals for the reception of patients suffering from Infectious Diseases. [21st December 1893.]

Be it enacted, &c.:

1. *Short title.* This Act may be cited for all purposes as the Isolation Hospitals Act, 1893.

2. *Limits of Act.* This Act shall not extend to Scotland or Ireland, or to the administrative county of London, or to any county borough, or without the consent of the council of the borough to any borough containing, according to the census for the time being in force, a population of ten thousand persons or upwards, or to any borough

containing a less population without the like consent, unless the Local Government Board by order direct that the Act shall apply to such borough.

3. *County council to provide for establishment of isolation hospitals on application, &c.* The council of every county may, on such application being made to them, and proof adduced, as is in this Act mentioned, provide or cause to be provided in any district within their county a hospital for the reception of patients suffering from infectious diseases (in this Act referred to as "an isolation hospital").

4. *Application, by whom to be made.* (1.) An application to a county council for the establishment of an isolation hospital may be made by any one or more of the authorities, by this Act defined as local authorities, having jurisdiction in the county, or any part of the county; and any such application may be made in pursuance of a resolution passed at a meeting of such authority by a majority of the members assembled thereat, and voting in manner in which votes are required by law to be given at a meeting of the authority. Any such meeting shall be called together by notice given in manner in which notices of the meetings of the authority concerned are required to be given by law, and specifying the object of the meeting to be the making an application to the county council under this Act.

(2.) An application for the establishment of an isolation hospital may also be made by any number of ratepayers not less than twenty-five, in any contributory place as defined by this Act.

5. *Application, how made.* (1.) The application shall be made by petition, and shall state the district for which the isolation hospital is required, and the reasons which the petitioners adduce for its establishment.

(2.) The county council shall, by themselves, or by a committee of their body appointed for that purpose, consider the petition, and, if satisfied by the statements of the petition as originally prepared, or by any amendments made therein, that a *prima facie* case is made out for a local inquiry, they shall cause such inquiry to be made as to the necessity for the establishment of an isolation hospital.

6. *Effect of report of medical officer of county.* The county council may direct an inquiry to be made by the medical officer of health of the county as to the necessity of an isolation hospital being established for the use of the inhabitants of any particular district in the county, and in the event of such medical officer reporting that such an hospital ought to be established for the use of the inhabitants of a district, may take the same proceedings in all respects for the establishment of such hospital as if a petition had been presented by a local authority for the establishment of an isolation hospital for the district named in the report of such medical officer of health.

7. *Conduct of local inquiry.* The county council shall conduct the local inquiry into the necessity for the establishment of an isolation hospital, and as to the proper site for the hospital, and the district for which it is to be established (in this Act called the "hospital district"), by a committee consisting of such number of their members, either with or without the addition of such other persons, or in such other manner as the council think expedient. All expenses properly incurred by any such committee shall be paid as hereinafter directed. The local inquiry shall be held subject to such regulations and otherwise as the council think fit. Due notice of the time and place at which any inquiry is to be held by the county council shall be given in such manner as the county council may think the best adapted to inform any persons interested, and such persons may attend and state their case before the members appointed to conduct such inquiry.

8. *Variation of district and appeal.* (1.) Every hospital district constituted under this Act shall consist of a single local area, or two or more local areas, as defined by this Act.

(2.) The county council may vary any proposed

hospital district by adding to it or subtracting from it any local area. A local area which is already provided with such isolation hospital accommodation as may in the opinion of the county council be sufficient for the reasonable exigencies of such area, shall not, without the assent of the local authority of such area testified by a resolution of such authority, be included in a hospital district under this Act.

(3.) If any local authority, having jurisdiction within any part of the proposed hospital district, object to the formation of such a district, or to the addition or subtraction thereto or therefrom of any local area within their jurisdiction, such authority may at any time within three months from the date of the order appeal to the Local Government Board, and the decision of such Board shall be conclusive.

9. *Order as to dismissal of petition or constitution of district.* On conclusion of a local inquiry by the county council as to the necessity for the establishment of an isolation hospital, the county council shall make an order, either dismissing the petition, or constituting a hospital district, and directing an isolation hospital for such district to be established: Provided that the county council shall not take steps for the constitution of a hospital district for one or more contributory places forming a portion of a rural sanitary district within the jurisdiction of the county council, or for one local area, unless the sanitary authority of such place or places, or area, assent to the application, or are proved to the satisfaction of the county council to be unable or unwilling to make suitable hospital accommodation for such place, places, or area.

10. *Hospital committee.* (1.) When a hospital district has been constituted, a committee shall be formed by the county council. Any such committee may consist wholly of members of the county council, or partly of members of the county council and partly of representatives of the local area or areas in the district, or wholly of such local representatives. The county council shall make regulations for the election, rotation, and qualification, and for all other matters relating to the constitution of any such committee, subject to these qualifications, that where no contribution is made by the county council to the funds of the hospital, such committee shall consist, unless the constituent local authorities otherwise desire, wholly of representatives of the local area or local areas of the district, and that if any local authority within the hospital district feels aggrieved by the mode in which any such committee is constituted, it may appeal to the Local Government Board, and that Board may modify the constitution of any committee so formed by the county council in such manner as the Board think expedient and just.

(2.) A hospital committee shall have all such powers of acquiring land as are herein-after mentioned, also all such other powers of providing a hospital by purchase or otherwise, and managing and maintaining the same when so provided, as the county council may delegate to them: Provided that the county council shall retain to themselves the power of inspecting any such hospital, and of raising money by loan for the purposes of such hospital.

(3.) A hospital committee shall be a body corporate, having a perpetual succession and a common seal, under such name and style as may be conferred on it by the county council. It shall be capable of acquiring land, by devise, gift, purchase, or otherwise, without licence in mortmain.

(4.) Where a hospital district is an area wholly or as to the greater part thereof under the jurisdiction of any corporate local authority, the county council may, if they think fit, invest such local authority with all the powers of a hospital committee under this Act, and thereupon such authority shall be deemed to be the hospital committee for such district, and shall exercise all the powers of such committee under its original corporate name.

11. *Purchase of land for hospital.* Subject to any directions given by the county council, a hospital committee may purchase or lease any land, whether within or without the hospital district, for the purpose of erecting thereon an isolation

hospital, and may exercise all the powers conferred on a sanitary authority by the provisions of the Public Health Act, 1875 [38 & 39 Vict. c. 55], and the Acts amending the same, relating to the purchase of lands. For the purposes of this section the provisions contained in sections one hundred and seventy-five to one hundred and seventy-eight (inclusive), and sections two hundred and ninety-six to two hundred and ninety-eight (inclusive), of the Public Health Act, 1875, shall, so far as consistent herewith, be incorporated with this Act.

12. *Management of hospital, and regulations.* A hospital committee may from time to time make all necessary rules and regulations for the conduct and management of their hospital and the patients therein.

13. *Ambulances to be provided.* Every isolation hospital shall be provided with an ambulance or ambulances for the purpose of conveying patients to the hospital, and shall, so far as practicable, be in connection with the system of telegraphs.

14. *Additional hospital accommodation.* A hospital committee may, in expectation of or in the event of an outbreak of any infectious disease, provide any accommodation in addition to their existing accommodation, by hiring or otherwise acquiring, any buildings, tents, wooden houses, or other places for the reception of patients. A hospital committee may, in addition to, or instead of, providing a central hospital, establish within their district hospitals in cottages or small buildings, or otherwise as they may think expedient. A hospital committee may also, before they have established a permanent hospital or hospitals, provide for their district such temporary accommodation as is in this section mentioned.

15. *Training of nurses.* Subject to any regulations made by the county council, a hospital committee may make arrangements for the training of nurses for attendance on patients suffering from any infectious disease, either inside or outside the hospital, and may charge for the attendance of such nurses outside the hospital; and the expenses of any such nurses, after deducting any profits derived from their services, shall be establishment expenses of the hospital, within the meaning of this Act.

16. *Charges for patients.* (1.) There shall be charged with respect to every person admitted into the hospital such sum as the hospital committee may think sufficient to defray the expenses in this Act defined as patients' expenses incurred in respect of such person; and there shall be added thereto, in the case of persons brought from beyond the hospital district, such sum as the committee may think fit, as a contribution to the structural and establishment expenses.

(2.) Persons desirous of being provided with accommodation of an exceptional character may be so provided on their undertaking, to the satisfaction of the committee, to pay for the same a sum fixed by the committee, and also to pay for all other expenses incurred in respect of their maintenance in the hospital, and all expenses so incurred in respect of such a patient are in this Act referred to as "special patients' expenses."

17. *Classification of expenses.* (1.) The expenses to be incurred in respect of any isolation hospital under this Act shall be classified as structural expenses, establishment expenses, and patients' expenses.

"Structural expenses" shall include the original cost of providing the hospital, including the purchase (if any) of the site, and the furnishing such hospital with the necessary appliances and furniture required for the purpose of receiving patients; also any permanent extension or enlargement of the hospital, or any alteration or repair of the drainage, and any structural repairs; but shall not include ordinary repairs, painting, cleaning, or the renewal or keeping in order of the appliances and furniture, or the supply of new appliances or furniture.

"Establishment expenses" means the cost of keeping the hospital, its appliances and furniture, in a state requisite for the comfort of the patients, also the salaries of the doctors, nurses, servants,

and all other expenses for maintaining the hospital in a fit state for the reception of patients.

"Patients' expenses" means the cost of conveying, removing, feeding, providing medicines, disinfecting, and all other things required for patients individually, exclusive of structural and establishment expenses.

(2.) All expenses incurred by a county council in and about the formation of a hospital district, including the costs of any inquiries, and the expenses of obtaining land and other preliminary expenses, shall be deemed to be structural expenses.

(3.) In the case of any doubt arising as to what are structural expenses, establishment expenses, or patients' expenses within the meaning of this Act, the decision of the hospital committee shall be conclusive.

18. *Payment of expenses.* All expenses incurred by a county council or by a hospital committee under this Act, with the exception of patients' expenses and special patients' expenses, shall, when a hospital district consists of a single local area, be defrayed out of the local rate of that area. Where the hospital district consists of more than one local area, all the expenses, save as aforesaid, incurred by the hospital committee shall be paid out of a common fund to which all receipts shall be carried, and to which the local authorities in the hospital district shall contribute in such proportions as the county council by their order constituting the district may determine.

Section two hundred and eighty-four of the Public Health Act, 1875 [38 & 39 Vict. c. 55] shall apply to the sums to be contributed by the local authorities under this section as if the same were sums to be contributed by component districts and the hospital committee were a joint board under that Act.

19. *Recovery of patients' expenses.* (1.) Patients' expenses, in respect of any person who at the time of his reception into the hospital, or at any time within fourteen days previously, is or has been in receipt of poor law relief, shall be a debt due to the hospital committee from the guardians of the union from which he is sent, and shall be recoverable from them in a summary manner or otherwise.

(2.) Patients' expenses, in respect of a non-pauper patient, shall be a debt due to the hospital committee, and recoverable in a summary manner from the local authority of the local area from which the patient is sent, and shall be paid out of the local rate.

(3.) Where a patient has been brought from a place beyond the hospital district, any additional charges made by the hospital committee in respect of such patient shall be recoverable as if they were part of the patients' expenses.

(4.) Special patients' expenses shall be a debt recoverable in a summary manner from the patient, or from the estate of the patient, in respect of whom the expenses have been incurred.

(5.) The expenses of the burial of any patient dying in the hospital shall be payable in the same manner in which the expenses of his maintenance are payable.

20. *Power of county council to alter order.* A county council may, on the application of a hospital committee, and with the assent of any local authority concerned in such alteration, alter any order made by them for the establishment of a hospital.

21. *Power of county councils to contribute to hospitals.* A county council may, where they deem it expedient so to do for the benefit of the county, contribute out of the county rate a capital or annual sum towards the structural and the establishment expenses of an isolation hospital, or to either class of such expenses.

22. *Power to borrow money.* A county council may borrow, on the security of the county rate, and in manner provided by the Local Government Act, 1888, any money required for the purpose of carrying into effect the provisions of this Act; and any loans so borrowed, and any other money expended by them for the purposes of this Act, together with interest thereon at the rate of four pounds per

centum per annum, shall be repaid to the county council out of the local rate, as in this Act directed; and, in the case of a loan, shall be repaid within a period not exceeding that within which the loan is repayable by the county council.

23. Treatment in hospital not to disqualify.] A person shall not by reason of his being admitted into and maintained in an hospital established in pursuance of this Act suffer any disqualification or any loss of franchise or other right or privilege.

24. Inquiries by Local Government Board.] Sub-sections one and five of section eighty-seven of the Local Government Act, 1888, shall apply in every case where the Local Government Board are authorized to determine any question on appeal to them.

25. Audit of accounts.] The provisions of sections two hundred and forty-five, two hundred and forty-seven, two hundred and forty-nine, and two hundred and fifty of the Public Health Act, 1875, as amended by the District Auditors Act, 1879, shall apply to the accounts of any hospital committee, and of any officers or assistants of such committee, and to the audit of such accounts, as if such committee were an urban authority other than the council of a borough.

26. Definitions.] A "local area" means in this Act any one of the following localities, that is to say, an urban sanitary district, a rural sanitary district, or any contributory place, or where a local area is included in more than one county, the part of the area included in each county.

A "contributory place" has the same meaning in this Act as in section two hundred and twenty-nine of the Public Health Act, 1875 [38 & 39 Vict. c. 55].

A "local authority" means in this Act, as respects an urban sanitary district, the urban sanitary authority; as respects a rural sanitary district, the rural sanitary authority, and in the case of any contributory place being a parish, the vestry or other authority in which the powers of the vestry may be vested by any Act of Parliament, and in the case of any other contributory place situated within the district of a rural sanitary authority, such rural sanitary authority.

The "local rate" means, as respects an urban or rural sanitary district or contributory place, the rate out of which the expenses incurred in the execution of the Acts relating to public health are directed to be paid, and in the case of any contributory place the expenses incurred in the execution of this Act shall be deemed to be special expenses.

The expression "infectious diseases" in this Act has the same meaning as in the Infectious Diseases (Notification) Act, 1889 [52 & 53 Vict. c. 72], and the provisions of this Act shall apply to the infectious diseases specifically mentioned in that Act, and may be applied to any other infectious disease, by order of the county council, or any committee to whom they have delegated their powers under this section, in like manner as if such council or committee were a local authority acting under that Act.

CHAPTER 69.

[*Savings Bank Act, 1893.*]

An Act to amend the Law relating to Savings Banks. [21st December 1893.]

Be it enacted, &c. :

1. Limits of annual deposit.] Subject to the provisions of the Post Office Savings Banks Acts, 1861 to 1891, of the Trustee Savings Banks Acts, 1863 to 1891, of the Government Annuities Act, 1882, and of this Act, there shall not be deposited in a savings bank by any depositor at any time within any one savings bank year any sum or sums exceeding in the aggregate fifty pounds, whether any sum has been previously withdrawn or not.

2. Limits of investment in Government stock.] (1.) The amount of Government stock credited by a

savings bank authority to the account of any depositor in any savings bank year whether any stock has been previously sold or not shall not exceed two hundred pounds stock.

(2.) The whole amount of Government stock credited by a savings bank authority to the account of a depositor shall not exceed five hundred pounds stock at any one time.

(3.) Provided that a depositor may, not more than once in any savings bank year, purchase stock to replace stock previously sold in one entire sum during that year.

3. Investment of interest and dividends.] (1.) Whenever by reason of interest or dividends credited to a depositor in respect of money or stock standing to his credit in a savings bank, or by reason of any sum transferred to his account from the account of a deceased depositor, the sum standing in the name of a depositor in a savings bank exceeds two hundred pounds, all sums in excess of that amount shall, unless the depositor otherwise directs, be invested by the savings bank authority in Government stock, and that stock shall be credited to the account of the depositor, but shall not be reckoned in computing the amount of stock which may be credited to the account of a depositor in any one savings bank year or in the aggregate.

(2.) Regulations made in accordance with the provisions of the Savings Banks Act, 1880 [43 & 44 Vict. c. 36], may prescribe the times at which investments are to be made, the minimum amount to be invested at any one time, the class of stock to be purchased, the commission to be paid by the depositor, and any other matter incidental to investments in pursuance of this section.

(3.) This section shall not apply to any depositor entitled by law to deposit or invest in a savings bank a larger sum than two hundred pounds.

4. Rules as to computing maximum and dealing with dividends.] (1.) Dividends on Government stock credited to a depositor in a savings bank shall be dealt with in all respects as money deposited by that depositor, but shall not during the year in which they are credited be reckoned in computing the maximum amount which may be deposited in that year or in the aggregate.

(2.) When any sums not deposited for immediate investment in Government stock or in the purchase of a savings bank annuity or insurance are so invested by any savings bank authority on the request of the depositor, any sums previously deposited in the same savings bank year by that depositor shall not, except so far as they exceed in the aggregate the sums so invested in that year, be reckoned in computing the maximum amount which may be deposited in that year.

5. Interpretation of terms.] (1.) In this Act—

The expression "savings bank" includes both a trustee savings bank and a Post Office savings bank, but no other savings bank.

The expression "trustee savings bank" means a bank certified under the Trustee Savings Bank Act, 1863 [26 & 27 Vict. c. 87].

The expression "savings bank year" means, with reference to a trustee savings bank, the year ending on the twentieth day of November, and with reference to the Post Office savings bank the year ending on the thirty-first day of December.

The expression "savings bank authority" means as regards any trustee savings bank the trustees of that bank, and as regards the Post Office savings bank the Postmaster-General.

The expressions "savings bank annuity" and "savings bank insurance," means respectively an annuity and an insurance purchased or paid under the Government Annuities Acts, 1829 to 1887, through the medium of a savings bank.

(2.) The expression "Government stock" in this Act and in the Savings Banks Act, 1880 [43 & 44 Vict. c. 36], shall mean the classes of stock mentioned in the First Schedule to this Act.

6. Proof that bank is a Post Office savings bank.] The fact that a bank is a Post Office savings bank for the purposes of the Bankers' Books Evidence Act, 1879, may be proved by a certificate purporting to be under the hand of the Controller or Assistant Controller of the Post Office savings bank.

7. Extension of Act to Channel Islands and Isle of Man.] This Act shall extend to the Channel Islands and the Isle of Man, and the Royal Courts of the Channel Islands shall register the same.

8. Repeal.] The enactments specified in the Second Schedule to this Act are hereby repealed to the extent shewn in the third column of that schedule.

9. Short titles.] (1.) This Act may be cited as the Savings Bank Act, 1893.

(2.) The Trustee Savings Banks Acts, 1863 to 1891, and this Act may be cited collectively as the Trustee Savings Banks Acts, 1863 to 1893.

(3.) The Post Office Savings Bank Acts, 1861 to 1891, and this Act, may be cited collectively as the Post Office Savings Bank Acts, 1861 to 1893.

SCHEDULES.

FIRST SCHEDULE.

[Section 5 (2).]

GOVERNMENT STOCK.

Two and three-quarters per cent. Consolidated Stock (1903).

Two and three-quarters per cent. Annuities (1905).

Two and a half per cent. Annuities.

Local Loans three per cent. Stock.

Guaranteed Land Stock.

SECOND SCHEDULE.

[Section 8.]

ENACTMENTS REPEALED.

Session and Chapter.	Short Title.	Extent of Repeal.
9 Geo. 4, c. 92	The Savings Bank Act, 1828	Section thirty-five.
3 & 4 Will. 4, c. 14	The Savings Bank Act, 1833	Section twenty-nine.
26 & 27 Vict. c. 87	The Trustee Savings Banks Act, 1863	Section thirty-nine, down to the words "provided that," inclusive.
43 & 44 Vict. c. 36	The Savings Banks Act, 1880	In section three, paragraphs (b) and (c) of sub-section one, and the whole of sub-section five. In section five, the definition of "Government stock."
50 & 51 Vict. c. 40	The Savings Banks Act, 1887	Section six.

CHAPTER 70.

[*East India Loan Act, 1893.*]

An Act to enable the Secretary of State in Council in India to raise Money in the United Kingdom for the Service of the Government of India, and for other purposes relating thereto, [21st December 1893.]

CHAPTER 71.

[Sale of Goods Act, 1893.]

An Act for codifying the Law relating to the Sale of Goods. [20th February 1894.]

Be it enacted, &c. :

PART I.

FORMATION OF THE CONTRACT.

Contract of Sale.

1. *Sale and agreement to sell.* (1.) A contract of sale of goods is a contract whereby the seller transfers or agrees to transfer the property in goods to the buyer for a money consideration called the price. There may be a contract of sale between one part owner and another.

(2.) A contract of sale may be absolute or conditional.

(3.) Where under a contract of sale the property in the goods is transferred from the seller to the buyer the contract is called a sale; but where the transfer of the property in the goods is to take place at a future time or subject to some condition thereafter to be fulfilled the contract is called an agreement to sell.

(4.) An agreement to sell becomes a sale when the time elapses or the conditions are fulfilled subject to which the property in the goods is to be transferred.

2. *Capacity to buy and sell.* Capacity to buy and sell is regulated by the general law concerning capacity to contract, and to transfer and acquire property.

Provided that where necessaries are sold and delivered to an infant, or minor, or to a person who by reason of mental incapacity or drunkenness is incompetent to contract, he must pay a reasonable price therefor.

Necessaries in this section mean goods suitable to the condition in life of such infant or minor or other person, and to his actual requirements at the time of the sale and delivery.

Formalities of the Contract.

3. *Contract of sale, how made.* Subject to the provisions of this Act and of any statute in that behalf, a contract of sale may be made in writing (either with or without seal), or by word of mouth, or partly in writing and partly by word of mouth, or may be implied from the conduct of the parties.

Provided that nothing in this section shall affect the law relating to corporations.

4. *Contract of sale for ten pounds and upwards.* (1.) A contract for the sale of any goods of the value of ten pounds or upwards shall not be enforceable by action unless the buyer shall accept part of the goods so sold, and actually receive the same, or give something in earnest to bind the contract, or in part payment, or unless some note or memorandum in writing of the contract be made and signed by the party to be charged or his agent in that behalf.

(2.) The provisions of this section apply to every such contract, notwithstanding that the goods may be intended to be delivered at some future time, or may not at the time of such contract be actually made, procured, or provided, or fit or ready for delivery, or some act may be requisite for the making or completing thereof, or rendering the same fit for delivery.

(3.) There is an acceptance of goods within the meaning of this section when the buyer does any act in relation to the goods which recognizes a pre-existing contract of sale whether there be an acceptance in performance of the contract or not.

(4.) The provisions of this section do not apply to Scotland.

Subject matter of Contract.

5. *Existing or future goods.* (1.) The goods which form the subject of a contract of sale may be either existing goods, owned or possessed by the seller, or goods to be manufactured or acquired by the seller after the making of the contract of sale, in this Act called "future goods."

(2.) There may be a contract for the sale of goods, the acquisition of which by the seller depends upon a contingency which may or may not happen.

(3.) Where by a contract of sale the seller purports to effect a present sale of future goods, the contract operates as an agreement to sell the goods.

6. *Goods which have perished.* Where there is a contract for the sale of specific goods, and the goods without the knowledge of the seller have perished at the time when the contract is made, the contract is void.

7. *Goods perishing before sale but after agreement to sell.* Where there is an agreement to sell specific goods, and subsequently the goods, without any fault on the part of the seller or buyer, perish before the risk passes to the buyer, the agreement is thereby avoided.

The Price.

8. *Ascertainment of price.* (1.) The price in a contract of sale may be fixed by the contract, or may be left to be fixed in manner thereby agreed, or may be determined by the course of dealing between the parties.

(2.) Where the price is not determined in accordance with the foregoing provisions the buyer must pay a reasonable price. What is a reasonable price is a question of fact dependent on the circumstances of each particular case.

9. *Agreement to sell at valuation.* (1.) Where there is an agreement to sell goods on the terms that the price is to be fixed by the valuation of a third party, and such third party cannot or does not make such valuation, the agreement is avoided; provided that if the goods or any part thereof have been delivered to and appropriated by the buyer he must pay a reasonable price therefor.

(2.) Where such third party is prevented from making the valuation by the fault of the seller or buyer, the party not in fault may maintain an action for damages against the party in fault.

Conditions and Warranties.

10. *Stipulations as to time.* (1.) Unless a different intention appears from the terms of the contract, stipulations as to time of payment are not deemed to be of the essence of a contract of sale. Whether any other stipulation as to time is of the essence of the contract or not depends on the terms of the contract.

(2.) In a contract of sale "month" means *prima facie* calendar month.

11. *When condition to be treated as warranty.* (1.) In England or Ireland—

(a.) Where a contract of sale is subject to any condition to be fulfilled by the seller, the buyer may waive the condition, or may elect to treat the breach of such condition as a breach of warranty, and not as a ground for treating the contract as repudiated.

(b.) Whether a stipulation in a contract of sale is a condition, the breach of which may give rise to a right to treat the contract as repudiated, or a warranty, the breach of which may give rise to a claim for damages, but not to a right to reject the goods and treat the contract as repudiated, depends in each case on the construction of the contract. A stipulation may be a condition, though called a warranty in the contract:

(c.) Where a contract of sale is not severable, and the buyer has accepted the goods, or part thereof, or where the contract is for specific goods, the property in which has passed to the buyer, the breach of any condition to be fulfilled by the seller can only be treated as a breach of warranty, and not as a ground for rejecting the goods and treating the contract as repudiated, unless there be a term of the contract, express or implied, to that effect.

(2.) In Scotland, failure by the seller to perform any material part of a contract of sale is a breach of contract, which entitles the buyer either, within a reasonable time after delivery, to reject the goods and treat the contract as repudiated, or to retain the goods and treat the failure to perform such material part as a breach which may give rise to a claim for compensation or damages.

(3.) Nothing in this section shall affect the case of any condition or warranty, fulfilment of which is excused by law by reason of impossibility or otherwise.

12. *Implied undertaking as to title, &c.* In a contract of sale, unless the circumstances of the contract are such as to shew a different intention, there is—

(1.) An implied condition on the part of the seller that, in the case of a sale, he has a right to sell the goods, and that, in the case of an agreement to sell, he will have a right to sell the goods at the time when the property is to pass:

(2.) An implied warranty that the buyer shall have and enjoy quiet possession of the goods:

(3.) An implied warranty that the goods shall be free from any charge or incumbrance in favour of any third party, not declared or known to the buyer before or at the time when the contract is made.

13. *Sale by description.* Where there is a contract for the sale of goods by description, there is an implied condition that the goods shall correspond with the description; and if the sale be by sample as well as by description, it is not sufficient that the bulk of the goods corresponds with the sample if the goods do not also correspond with the description.

14. *Implied conditions as to quality or fitness.* Subject to the provisions of this Act and of any statute in that behalf, there is no implied warranty or condition as to the quality or fitness for any particular purpose of goods supplied under a contract of sale, except as follows:—

(1.) Where the buyer, expressly or by implication, makes known to the seller the particular purpose for which the goods are required, so as to shew that the buyer relies on the seller's skill or judgment, and the goods are of a description which it is in the course of the seller's business to supply (whether he be the manufacturer or not), there is an implied condition that the goods shall be reasonably fit for such purpose, provided that in the case of a contract for the sale of a specified article under its patent or other trade name, there is no implied condition as to its fitness for any particular purpose:

(2.) Where goods are bought by description from a seller who deals in goods of that description (whether he be the manufacturer or not), there is an implied condition that the goods shall be of merchantable quality; provided that if the buyer has examined the goods, there shall be no implied condition as regards defects which such examination ought to have revealed:

(3.) An implied warranty or condition as to quality or fitness for a particular purpose may be annexed by the usage of trade.

(4.) An express warranty or condition does not negative a warranty or condition implied by this Act unless inconsistent therewith.

Sale by Sample.

15. *Sale by sample.* (1.) A contract of sale is a contract for sale by sample where there is a term in the contract, express or implied, to that effect.

(2.) In the case of a contract for sale by sample—

(a.) There is an implied condition that the bulk shall correspond with the sample in quality:

(b.) There is an implied condition that the buyer shall have a reasonable opportunity of comparing the bulk with the sample:

(c.) There is an implied condition that the goods shall be free from any defect, rendering them unmerchantable, which would not be apparent on reasonable examination of the sample.

PART II.

EFFECTS OF THE CONTRACT.

Transfer of Property as between Seller and Buyer.

16. *Goods must be ascertained.* Where there is a contract for the sale of unascertained goods no property in the goods is transferred to the buyer unless and until the goods are ascertained.

17. *Property passes when intended to pass.* (1.) Where there is a contract for the sale of specific or ascertained goods the property in them is trans-

ferred to the buyer at such time as the parties to the contract intend it to be transferred.

(2.) For the purpose of ascertaining the intention of the parties regard shall be had to the terms of the contract, the conduct of the parties, and the circumstances of the case.

13. Rules for ascertaining intention.] Unless a different intention appears, the following are rules for ascertaining the intention of the parties as to the time at which the property in the goods is to pass to the buyer.

Rule 1.—Where there is an unconditional contract for the sale of specific goods, in a deliverable state, the property in the goods passes to the buyer when the contract is made, and it is immaterial whether the time of payment or the time of delivery, or both, be postponed.

Rule 2.—Where there is a contract for the sale of specific goods and the seller is bound to do something to the goods, for the purpose of putting them into a deliverable state, the property does not pass until such thing be done, and the buyer has notice thereof.

Rule 3.—Where there is a contract for the sale of specific goods in a deliverable state, but the seller is bound to weigh, measure, test, or do some other act or thing with reference to the goods for the purpose of ascertaining the price, the property does not pass until such act or thing be done, and the buyer has notice thereof.

Rule 4.—When goods are delivered to the buyer on approval or "on sale or return" or other similar terms the property therein passes to the buyer:—

(a.) When he signifies his approval or acceptance to the seller or does any other act adopting the transaction:

(b.) If he does not signify his approval or acceptance to the seller but retains the goods without giving notice of rejection, then, if a time has been fixed for the return of the goods, on the expiration of such time, and, if no time has been fixed, on the expiration of a reasonable time. What is a reasonable time is a question of fact.

Rule 5.—(1.) Where there is a contract for the sale of unascertained or future goods by description, and goods of that description and in a deliverable state are unconditionally appropriated to the contract, either by the seller with the assent of the buyer, or by the buyer with the assent of the seller, the property in the goods thereupon passes to the buyer. Such assent may be express or implied, and may be given either before or after the appropriation is made:

(2.) Where, in pursuance of the contract, the seller delivers the goods to the buyer or to a carrier or other bailee or custodian (whether named by the buyer or not) for the purpose of transmission to the buyer, and does not reserve the right of disposal, he is deemed to have unconditionally appropriated the goods to the contract.

19. Reservation of right of disposal.] (1.) Where there is a contract for the sale of specific goods or where goods are subsequently appropriated to the contract, the seller may, by the terms of the contract or appropriation, reserve the right of disposal of the goods until certain conditions are fulfilled. In such case, notwithstanding the delivery of the goods to the buyer, or to a carrier or other bailee or custodian for the purpose of transmission to the buyer, the property in the goods does not pass to the buyer until the conditions imposed by the seller are fulfilled.

(2.) Where goods are shipped, and by the bill of lading the goods are deliverable to the order of the seller or his agent, the seller is *prima facie* deemed to reserve the right of disposal.

(3.) Where the seller of goods draws on the buyer for the price, and transmits the bill of exchange and bill of lading to the buyer together to secure acceptance or payment of the bill of exchange, the buyer is bound to return the bill of lading if he does not honour the bill of exchange, and if he wrongfully retains the bill of lading the property in the goods does not pass to him.

20. Risk *prima facie* passes with property.] Unless otherwise agreed, the goods remain at the seller's risk until the property therein is transferred to the buyer, but when the property therein is transferred to the buyer, the goods are at the buyer's risk whether delivery has been made or not.

Provided that where delivery has been delayed through the fault of either buyer or seller the goods are at the risk of the party in fault as regards any loss which might not have occurred but for such fault.

Provided also that nothing in this section shall affect the duties or liabilities of either seller or buyer as a bailee or custodian of the goods of the other party.

Transfer of Title.

21. Sale by person not the owner.] (1.) Subject to the provisions of this Act, where goods are sold by a person who is not the owner thereof, and who does not sell them under the authority or with the consent of the owner, the buyer acquires no better title to the goods than the seller had, unless the owner of the goods is by his conduct precluded from denying the seller's authority to sell.

(2.) Provided also that nothing in this Act shall affect—

(a.) The provisions of the Factors Acts, or any enactment enabling the apparent owner of goods to dispose of them as if he were the true owner thereof;

(b.) The validity of any contract of sale under any special common law or statutory power of sale or under the order of a court of competent jurisdiction.

22. Market overt.] (1.) Where goods are sold in market overt, according to the usage of the market, the buyer acquires a good title to the goods, provided he buys them in good faith and without notice of any defect or want of title on the part of the seller.

(2.) Nothing in this section shall affect the law relating to the sale of horses.

(3.) The provisions of this section do not apply to Scotland.

23. Sale under voidable title.] When the seller of goods has a voidable title thereto, but his title has not been avoided at the time of the sale, the buyer acquires a good title to the goods, provided he buys them in good faith and without notice of the seller's defect of title.

24. Revesting of property in stolen goods on conviction of offender.] (1.) Where goods have been stolen and the offender is prosecuted to conviction, the property in the goods so stolen reverts in the person who was the owner of the goods, or his personal representative, notwithstanding any intermediate dealing with them, whether by sale in market overt or otherwise.

(2.) Notwithstanding any enactment to the contrary, where goods have been obtained by fraud or other wrongful means not amounting to larceny, the property in such goods shall not revert in the person who was the owner of the goods, or his personal representative, by reason only of the conviction of the offender.

(3.) The provisions of this section do not apply to Scotland.

25. Seller or buyer in possession after sale.] (1.) Where a person having sold goods continues or is in possession of the goods, or of the documents of title to the goods, the delivery or transfer by that person, or by a mercantile agent acting for him, of the goods or documents of title under any sale, pledge, or other disposition thereof, to any person receiving the same in good faith and without notice of the previous sale, shall have the same effect as if the person making the delivery or transfer were expressly authorized by the owner of the goods to make the same.

(2.) Where a person having bought or agreed to buy goods obtains, with the consent of the seller, possession of the goods or the documents of title to the goods, the delivery or transfer by that person, or by a mercantile agent acting for him, of the goods or documents of title, under any sale, pledge, or other disposition thereof, to any person receiving the same in good faith and without notice of any lien or other right of the original seller in respect of the goods, shall have the same

effect as if the person making the delivery or transfer were a mercantile agent in possession of the goods or documents of title with the consent of the owner.

(3.) In this section the term "mercantile agent" has the same meaning as in the Factors Acts.

26. Effect of writs of execution.] (1.) A writ of fieri facias or other writ of execution against goods shall bind the property in the goods of the execution debtor as from the time when the writ is delivered to the sheriff to be executed; and, for the better manifestation of such time, it shall be the duty of the sheriff, without fee, upon the receipt of any such writ to indorse upon the back thereof the hour, day, month, and year when he received the same.

Provided that no such writ shall prejudice the title to such goods acquired by any person in good faith and for valuable consideration, unless such person had at the time when he acquired his title notice that such writ or any other writ by virtue of which the goods of the execution debtor might be seized or attached had been delivered to and remained unexecuted in the hands of the sheriff.

(2.) In this section the term "sheriff" includes any officer charged with the enforcement of a writ of execution.

(3.) The provisions of this section do not apply to Scotland.

PART III.

PERFORMANCE OF THE CONTRACT.

27. Duties of seller and buyer.] It is the duty of the seller to deliver the goods, and of the buyer to accept and pay for them, in accordance with the terms of the contract of sale.

28. Payment and delivery are concurrent conditions.] Unless otherwise agreed, delivery of the goods and payment of the price are concurrent conditions, that is to say, the seller must be ready and willing to give possession of the goods to the buyer in exchange for the price, and the buyer must be ready and willing to pay the price in exchange for possession of the goods.

29. Rules as to delivery.] (1.) Whether it is for the buyer to take possession of the goods or for the seller to send them to the buyer is a question depending in each case on the contract, express or implied, between the parties. Apart from any such contract, express or implied, the place of delivery is the seller's place of business, if he have one, and if not, his residence: Provided that, if the contract be for the sale of specific goods, which to the knowledge of the parties when the contract is made are in some other place, then that place is the place of delivery.

(2.) Where under the contract of sale the seller is bound to send the goods to the buyer, but no time for sending them is fixed, the seller is bound to send them within a reasonable time.

(3.) Where the goods at the time of sale are in the possession of a third person, there is no delivery by seller to buyer unless and until such third person acknowledges to the buyer that he holds the goods on his behalf; provided that nothing in this section shall affect the operation of the issue or transfer of any document of title to goods.

(4.) Demand or tender of delivery may be treated as ineffectual unless made at a reasonable hour. What is a reasonable hour is a question of fact.

(5.) Unless otherwise agreed, the expenses of and incidental to putting the goods into a deliverable state must be borne by the seller.

30. Delivery of wrong quantity.] (1.) Where the seller delivers to the buyer a quantity of goods less than he contracted to sell, the buyer may reject them, but if the buyer accepts the goods so delivered he must pay for them at the contract rate.

(2.) Where the seller delivers to the buyer a quantity of goods larger than he contracted to sell, the buyer may accept the goods included in the contract and reject the rest, or he may reject the whole. If the buyer accepts the whole of the goods so delivered he must pay for them at the contract rate.

(3.) Where the seller delivers to the buyer the goods he contracted to sell mixed with goods of a different description not included in the contract, the buyer may accept the goods which are in

accordance with the contract and reject the rest, or he may reject the whole.

(4.) The provisions of this section are subject to any usage of trade, special agreement, or course of dealing between the parties.

31. Instalment deliveries.] (1.) Unless otherwise agreed, the buyer of goods is not bound to accept delivery thereof by instalments.

(2.) Where there is a contract for the sale of goods to be delivered by stated instalments, which are to be separately paid for, and the seller makes defective deliveries in respect of one or more instalments, or the buyer neglects or refuses to take delivery of or pay for one or more instalments, it is a question in each case depending on the terms of the contract and the circumstances of the case whether the breach of contract is a repudiation of the whole contract or whether it is a severable breach giving rise to a claim for compensation but not to a right to treat the whole contract as repudiated.

32. Delivery to carrier.] (1.) Where, in pursuance of a contract of sale, the seller is authorized or required to send the goods to the buyer, delivery of the goods to a carrier, whether named by the buyer or not, for the purpose of transmission to the buyer is *prima facie* deemed to be a delivery of the goods to the buyer.

(2.) Unless otherwise authorized by the buyer, the seller must make such contract with the carrier on behalf of the buyer as may be reasonable having regard to the nature of the goods and the other circumstances of the case. If the seller omits so to do, and the goods are lost or damaged in course of transit, the buyer may decline to treat the delivery to the carrier as a delivery to himself, or may hold the seller responsible in damages.

(3.) Unless otherwise agreed, where goods are sent by the seller to the buyer by a route involving sea transit, under circumstances in which it is usual to insure, the seller must give such notice to the buyer as may enable him to insure them during their sea transit, and, if the seller fails to do so, the goods shall be deemed to be at his risk during such sea transit.

33. Risk where goods are delivered at distant place.] Where the seller of goods agrees to deliver them at his own risk at a place other than that where they are when sold, the buyer must, nevertheless, unless otherwise agreed, take any risk of deterioration in the goods necessarily incident to the course of transit.

34. Buyer's right of examining the goods.] (1.) Where goods are delivered to the buyer, which he has not previously examined, he is not deemed to have accepted them unless and until he has had a reasonable opportunity of examining them for the purpose of ascertaining whether they are in conformity with the contract.

(2.) Unless otherwise agreed, when the seller tenders delivery of goods to the buyer, he is bound, on request, to afford the buyer a reasonable opportunity of examining the goods for the purpose of ascertaining whether they are in conformity with the contract.

35. Acceptance.] The buyer is deemed to have accepted the goods when he intimates to the seller that he has accepted them, or when the goods have been delivered to him, and he does any act in relation to them which is inconsistent with the ownership of the seller, or when after the lapse of a reasonable time, he retains the goods without intimating to the seller that he has rejected them.

36. Buyer not bound to return rejected goods.] Unless otherwise agreed, where goods are delivered to the buyer, and he refuses to accept them, having the right so to do, he is not bound to return them to the seller, but it is sufficient if he intimates to the seller that he refuses to accept them.

37. Liability of buyer for neglecting or refusing delivery of goods.] When the seller is ready and willing to deliver the goods, and requests the buyer to take delivery, and the buyer does not within a reasonable time after such request take delivery of the goods, he is liable to the seller for any loss occasioned by his neglect or refusal to take delivery, and also for a reasonable charge for the care and custody of the goods. Provided that nothing in

this section shall affect the rights of the seller where the neglect or refusal of the buyer to take delivery amounts to a repudiation of the contract.

PART IV.

RIGHTS OF UNPAID SELLER AGAINST THE GOODS.

38. Unpaid seller defined.] (1.) The seller of goods is deemed to be an "unpaid seller" within the meaning of this Act—

(a.) When the whole of the price has not been paid or tendered;

(b.) When a bill of exchange or other negotiable instrument has been received as conditional payment, and the condition on which it was received has not been fulfilled by reason of the dishonour of the instrument or otherwise.

(2.) In this part of this Act the term "seller" includes any person who is in the position of a seller, as, for instance, an agent of the seller to whom the bill of lading has been indorsed, or a consignor or agent who has himself paid, or is directly responsible for, the price.

39. Unpaid seller's rights.] (1.) Subject to the provisions of this Act, and of any statute in that behalf, notwithstanding that the property in the goods may have passed to the buyer, the unpaid seller of goods, as such, has by implication of law—

(a.) A lien on the goods or right to retain them for the price while he is in possession of them;

(b.) In case of the insolvency of the buyer, a right of stopping the goods in transitu after he has parted with the possession of them;

(c.) A right of re-sale as limited by this Act.

(2.) Where the property in goods has not passed to the buyer the unpaid seller has, in addition to his other remedies, a right of withholding delivery similar to and co-extensive with his rights of lien and stoppage in transitu where the property has passed to the buyer.

40. Attachment by seller in Scotland.] In Scotland a seller of goods may attach the same while in his own hands or possession by arrestment or poinding; and such arrestment or poinding shall have the same operation and effect in a competition or otherwise as an arrestment or poinding by a third party.

Unpaid Seller's Lien.

41. Seller's lien.] (1.) Subject to the provisions of this Act, the unpaid seller of goods who is in possession of them is entitled to retain possession of them until payment or tender of the price in the following cases, namely:—

(a.) Where the goods have been sold without any stipulation as to credit;

(b.) Where the goods have been sold on credit, but the term of credit has expired;

(c.) Where the buyer becomes insolvent.

(2.) The seller may exercise his right of lien notwithstanding that he is in possession of the goods as agent or bailee or custodian for the buyer.

42. Part delivery.] Where an unpaid seller has made part delivery of the goods, he may exercise his right of lien or retention on the remainder, unless such part delivery has been made under such circumstances as to shew an agreement to waive the lien or right of retention.

43. Termination of lien.] (1.) The unpaid seller of goods loses his lien or right of retention thereon—

(a.) When he delivers the goods to a carrier or other bailee or custodian for the purpose of transmission to the buyer without reserving the right of disposal of the goods;

(b.) When the buyer or his agent lawfully obtains possession of the goods;

(c.) By waiver thereof.

(2.) The unpaid seller of goods, having a lien or right of retention thereon, does not lose his lien or right of retention by reason only that he has obtained judgment or decree for the price of the goods.

Stoppage in Transitu.

44. Right of stoppage in transitu.] Subject to the provisions of this Act, when the buyer of goods becomes insolvent, the unpaid seller who has

parted with the possession of the goods has the right of stopping them in transitu, that is to say, he may resume possession of the goods as long as they are in course of transit, and may retain them until payment or tender of the price.

45. Duration of transitu.] (1.) Goods are deemed to be in course of transit from the time when they are delivered to a carrier by land or water, or other bailee or custodian for the purpose of transmission to the buyer, until the buyer, or his agent in that behalf, takes delivery of them from such carrier or other bailee or custodian.

(2.) If the buyer or his agent in that behalf obtains delivery of the goods before their arrival at the appointed destination, the transit is at an end.

(3.) If, after the arrival of the goods at the appointed destination, the carrier or other bailee or custodian acknowledges to the buyer, or his agent, that he holds the goods on his behalf and continues in possession of them as bailee or custodian for the buyer, or his agent, the transit is at an end, and it is immaterial that a further destination for the goods may have been indicated by the buyer.

(4.) If the goods are rejected by the buyer, and the carrier or other bailee or custodian continues in possession of them, the transit is not deemed to be at an end, even if the seller has refused to receive them back.

(5.) When goods are delivered to a ship chartered by the buyer it is a question depending on the circumstances of the particular case, whether they are in the possession of the master as a carrier, or as agent to the buyer.

(6.) Where the carrier or other bailee or custodian wrongfully refuses to deliver the goods to the buyer, or his agent in that behalf, the transit is deemed to be at an end.

(7.) Where part delivery of the goods has been made to the buyer, or his agent in that behalf, the remainder of the goods may be stopped in transitu, unless such part delivery has been made under such circumstances as to shew an agreement to give up possession of the whole of the goods.

46. How stoppage in transitu is effected.] (1.) The unpaid seller may exercise his right of stoppage in transitu either by taking actual possession of the goods, or by giving notice of his claim to the carrier or other bailee or custodian in whose possession the goods are. Such notice may be given either to the person in actual possession of the goods or to his principal. In the latter case the notice, to be effectual, must be given at such time and under such circumstances that the principal, by the exercise of reasonable diligence, may communicate it to his servant or agent in time to prevent a delivery to the buyer.

(2.) When notice of stoppage in transitu is given by the seller to the carrier, or other bailee or custodian in possession of the goods, he must redeliver the goods to, or according to the directions of, the seller. The expenses of such re-delivery must be borne by the seller.

Re-sale by Buyer or Seller.

47. Effect of sub-sale or pledge by buyer.] Subject to the provisions of this Act, the unpaid seller's right of lien or retention or stoppage in transitu is not affected by any sale, or other disposition of the goods which the buyer may have made, unless the seller has assented thereto.

Provided that where a document of title to goods has been lawfully transferred to any person as buyer or owner of the goods, and that person transfers the document to a person who takes the document in good faith and for valuable consideration, then, if such last-mentioned transfer was by way of sale the unpaid seller's right of lien or retention or stoppage in transitu is defeated, and if such last-mentioned transfer was by way of pledge or other disposition for value, the unpaid seller's right of lien or retention or stoppage in transitu can only be exercised subject to the rights of the transferee.

48. Sale not generally rescinded by lien or stoppage in transitu.] (1.) Subject to the provisions of this section, a contract of sale is not rescinded by the mere exercise by an unpaid seller of his right of lien or retention or stoppage in transitu.

(2.) Where an unpaid seller who has exercised

his right of lien or retention or stoppage in transitu re-sells the goods, the buyer acquires a good title thereto as against the original buyer.

(3.) Where the goods are of a perishable nature, or where the unpaid seller gives notice to the buyer of his intention to re-sell, and the buyer does not within a reasonable time pay or tender the price, the unpaid seller may re-sell the goods and recover from the original buyer damages for any loss occasioned by his breach of contract.

(4.) Where the seller expressly reserves a right of re-sale in case the buyer should make default, and on the buyer making default, re-sells the goods, the original contract of sale is thereby rescinded, but without prejudice to any claim the seller may have for damages.

PART V.

ACTIONS FOR BREACH OF THE CONTRACT.

Remedies of the Seller.

49. *Action for price.* (1.) Where, under a contract of sale, the property in the goods has passed to the buyer, and the buyer wrongfully neglects or refuses to pay for the goods according to the terms of the contract, the seller may maintain an action against him for the price of the goods.

(2.) Where, under a contract of sale, the price is payable on a day certain irrespective of delivery, and the buyer wrongfully neglects or refuses to pay such price, the seller may maintain an action for the price, although the property in the goods has not passed, and the goods have not been appropriated to the contract.

(3.) Nothing in this section shall prejudice the right of the seller in Scotland to recover interest on the price from the date of tender of the goods, or from the date on which the price was payable, as the case may be.

50. *Damages for non-acceptance.* (1.) Where the buyer wrongfully neglects or refuses to accept and pay for the goods, the seller may maintain an action against him for damages for non-acceptance.

(2.) The measure of damages is the estimated loss directly and naturally resulting, in the ordinary course of events, from the buyer's breach of contract.

(3.) Where there is an available market for the goods in question the measure of damages is *prima facie* to be ascertained by the difference between the contract price and the market or current price at the time or times when the goods ought to have been accepted, or, if no time was fixed for acceptance, then at the time of the refusal to accept.

Remedies of the Buyer.

51. *Damages for non-delivery.* (1.) Where the seller wrongfully neglects or refuses to deliver the goods to the buyer, the buyer may maintain an action against the seller for damages for non-delivery.

(2.) The measure of damages is the estimated loss directly and naturally resulting, in the ordinary course of events, from the seller's breach of contract.

(3.) Where there is an available market for the goods in question the measure of damages is *prima facie* to be ascertained by the difference between the contract price and the market or current price of the goods at the time or times when they ought to have been delivered, or, if no time was fixed, then at the time of the refusal to deliver.

52. *Specific performance.* In any action for breach of contract to deliver specific or ascertained goods the court may, if it thinks fit, on the application of the plaintiff, by its judgment or decree direct that the contract shall be performed specifically, without giving the defendant the option of retaining the goods on payment of damages. The judgment or decree may be unconditional, or upon such terms and conditions as to damages, payment of the price, and otherwise, as to the court may seem just, and the application by the plaintiff may be made at any time before judgment or decree.

The provisions of this section shall be deemed to be supplementary to, and not in derogation of, the right of specific implement in Scotland.

53. *Remedy for breach of warranty.* (1.) Where there is a breach of warranty by the seller, or

where the buyer elects, or is compelled, to treat any breach of a condition on the part of the seller as a breach of warranty, the buyer is not by reason only of such breach of warranty entitled to reject the goods; but he may

(a) set up against the seller the breach of warranty in diminution or extinction of the price; or

(b) maintain an action against the seller for damages for the breach of warranty.

(2.) The measure of damages for breach of warranty is the estimated loss directly and naturally resulting, in the ordinary course of events, from the breach of warranty.

(3.) In the case of breach of warranty of quality such loss is *prima facie* the difference between the value of the goods at the time of delivery to the buyer and the value they would have had if they had answered to the warranty.

(4.) The fact that the buyer has set up the breach of warranty in diminution or extinction of the price does not prevent him from maintaining an action for the same breach of warranty if he has suffered further damage.

(5.) Nothing in this section shall prejudice or affect the buyer's right of rejection in Scotland as declared by this Act.

54. *Interest and special damages.* Nothing in this Act shall affect the right of the buyer or the seller to recover interest or special damages in any case where by law interest or special damages may be recoverable, or to recover money paid where the consideration for the payment of it has failed.

PART VI.

SUPPLEMENTARY.

55. *Exclusion of implied terms and conditions.* Where any right, duty, or liability would arise under a contract of sale by implication of law, it may be negated or varied by express agreement or by the course of dealing between the parties, or by usage, if the usage be such as to bind both parties to the contract.

56. *Reasonable time a question of fact.* Where, by this Act, any reference is made to a reasonable time the question what is a reasonable time is a question of fact.

57. *Rights, &c., enforceable by action.* Where any right, duty, or liability is declared by this Act, it may, unless otherwise by this Act provided, be enforced by action.

58. *Auction sales.* In the case of a sale by auction—

(1.) Where goods are put up for sale by auction in lots, each lot is *prima facie* deemed to be the subject of a separate contract of sale;

(2.) A sale by auction is complete when the auctioneer announces its completion by the fall of the hammer, or in other customary manner. Until such announcement is made any bidder may retract his bid;

(3.) Where a sale by auction is not notified to be subject to a right to bid on behalf of the seller, it shall not be lawful for the seller to bid himself or to employ any person to bid at such sale, or for the auctioneer knowingly to take any bid from the seller or any such person: Any sale contravening this rule may be treated as fraudulent by the buyer.

(4.) A sale by auction may be notified to be subject to a reserved or upset price, and a right to bid may also be reserved expressly by or on behalf of the seller.

Where a right to bid is expressly reserved, but not otherwise, the seller, or any one person on his behalf, may bid at the auction.

59. *Payment into court in Scotland when breach of warranty alleged.* In Scotland where a buyer has elected to accept goods which he might have rejected, and to treat a breach of contract as only giving rise to a claim for damages, he may, in an action by the seller for the price, be required, in the discretion of the court before which the action depends, to consign or pay into court the price of the goods, or part thereof, or to give other reasonable security for the due payment thereof.

60. *Repeal.* The enactments mentioned in the schedule to this Act are hereby repealed as from the commencement of this Act to the extent in that schedule mentioned.

Provided that such repeal shall not affect anything done or suffered, or any right, title, or interest acquired or accrued before the commencement of this Act, or any legal proceeding or remedy in respect of any such thing, right, title, or interest.

61. *Savings.* (1.) The rules in bankruptcy relating to contracts of sale shall continue to apply thereto, notwithstanding anything in this Act contained.

(2.) The rules of the common law, including the law merchant, save in so far as they are inconsistent with the express provisions of this Act, and in particular the rules relating to the law of principal and agent and the effect of fraud, misrepresentation, duress or coercion, mistake, or other invalidating cause, shall continue to apply to contracts for the sale of goods.

(3.) Nothing in this Act or in any repeal effected thereby shall affect the enactments relating to bills of sale, or any enactment relating to the sale of goods which is not expressly repealed by this Act.

(4.) The provisions of this Act relating to contracts of sale do not apply to any transaction in the form of a contract of sale which is intended to operate by way of mortgage, pledge, charge, or other security.

(5.) Nothing in this Act shall prejudice or affect the landlord's right of hypothec or sequestration for rent in Scotland.

62. *Interpretation of terms.* (1.) In this Act, unless the context or subject matter otherwise requires,—

"Action" includes counterclaim and set off, and in Scotland condonation and claim and compensation;

"Bailee" in Scotland includes custodian;

"Buyer" means a person who buys or agrees to buy goods;

"Contract of sale" includes an agreement to sell as well as a sale;

"Defendant" includes in Scotland defender, respondent, and claimant in a multiple-poining;

"Delivery" means voluntary transfer of possession from one person to another;

"Document of title to goods" has the same meaning as it has in the Factors Acts;

"Factors Acts" mean the Factors Act, 1889, the Factors (Scotland) Act, 1890 [52 & 53 Vict. c. 45, 53 & 54 Vict. c. 40], and any enactment amending or substituted for the same;

"Fault" means wrongful act or default;

"Future goods" mean goods to be manufactured or acquired by the seller after the making of the contract of sale;

"Goods" include all chattels personal other than things in action and money, and in Scotland all corporeal moveables except money. The term includes emblements, industrial growing crops, and things attached to or forming part of the land which are agreed to be severed before sale or under the contract of sale;

"Lien" in Scotland includes right of retention;

"Plaintiff" includes pursuer, complainer, claimant in a multiple-poining and defendant or defender counterclaiming;

"Property" means the general property in goods, and not merely a special property;

"Quality of goods" includes their state or condition;

"Sale" includes a bargain and sale as well as a sale and delivery;

"Seller" means a person who sells or agrees to sell goods;

"Specific goods" mean goods identified and agreed upon at the time a contract of sale is made;

"Warranty" as regards England and Ireland means an agreement with reference to goods which are the subject of a contract of sale, but collateral to the main purpose of such contract, the breach of which gives rise to a

claim for damages, but not to a right to reject the goods and treat the contract as repudiated.

As regards Scotland a breach of warranty shall be deemed to be a failure to perform a material part of the contract.

(2.) A thing is deemed to be done "in good faith" within the meaning of this Act when it is in fact done honestly, whether it be done negligently or not.

(3.) A person is deemed to be insolvent within the meaning of this Act who either has ceased to pay his debts in the ordinary course of business, or cannot pay his debts as they become due, whether he has committed an act of bankruptcy or not, and whether he has become a notour bankrupt or not.

(4.) Goods are in a "deliverable state" within the meaning of this Act when they are in such a state that the buyer would under the contract be bound to take delivery of them.

63. Commencement.] This Act shall come into operation on the first day of January one thousand eight hundred and ninety-four.

64. Short title.] This Act may be cited as the Sale of Goods Act, 1893.

SCHEDULE.

[Section 60.]

This schedule is to be read as referring to the revised edition of the statutes prepared under the direction of the Statute Law Committee.

ENACTMENTS REPEALED.

Session and Chapter.	Title of Act and Extent of Repeal.
1 Jac. I. c. 21	An Act against brokers. The whole Act.
29 Chs. 2, c. 3	An Act for the prevention of frauds and perjuries. In part; that is to say, sections fifteen and sixteen.*
9 Geo. 4, c. 14	An Act for rendering a written memorandum necessary to the validity of certain promises and engagements. In part; that is to say, section seven.
19 & 20 Vict. c. 60	The Mercantile Law Amendment (Scotland) Act, 1856. In part; that is to say, sections one, two, three, four, and five.
13 & 20 Vict. c. 97	The Mercantile Law Amendment Act, 1856. In part; that is to say, sections one and two.

* Commonly cited as sections sixteen and seventeen.

CHAPTER 72.

[Colonial Acts Confirmation Act, 1894.]

An Act to confirm certain Acts of Colonial Legislatures. [20th February 1894.]

Whereas Bills have been passed by the Legislature of one or more of the following colonies, namely, the colonies of New South Wales, Victoria, Tasmania, South Australia, Queensland, and Western Australia, and the Governor of the colony has given Her Majesty's assent to such Bills, and Her Majesty has not declared her disallowance of the Acts so assented to, and thereupon the Acts have come into operation:

And whereas doubts have arisen as to the validity of some of the Acts so passed because they were not reserved for the signification of Her Majesty's pleasure, and it is expedient to remove such doubts:

Be it therefore enacted, &c.:

1. Short title.] This Act may be cited as the Colonial Acts Confirmation Act, 1894.

2. Confirmation of certain Acts of Colonial Legislatures.] (1.) Any Act passed by the legislature of a colony to which this Act applies, and assented to by Her Majesty's name by the governor of such

colony, and not disallowed by Her Majesty before the passing of this Act, shall be deemed to be and to have been, as from the date of such assent, as valid as if the same had been reserved for the signification of Her Majesty's pleasure, and Her Majesty's assent to the Act had been duly given and signified in the colony at the date aforesaid.

(2.) This Act shall apply to the colonies of New South Wales, Victoria, Tasmania, South Australia, Queensland, and Western Australia.

CHAPTER 73.

[Local Government Act, 1894.]

An Act to make further provision for Local Government in England and Wales.

[5th March 1894.]

Be it enacted, &c.:

PART I.

PARISH MEETINGS AND PARISH COUNCILS.

Constitution of Parish Meetings and Parish Councils.

1. Constitution of parish meetings and establishment of parish councils.] (1.) There shall be a parish meeting for every rural parish, and there shall be a parish council for every rural parish which has a population of three hundred or upwards: Provided that an order of the county council in pursuance of Part III. of this Act—

(a) shall, if the parish meeting of a rural parish having a population of one hundred or upwards so resolve, provide for establishing a parish council in the parish, and may, with the consent of the parish meeting of any rural parish having a population of less than one hundred, provide for establishing a parish council in the parish; and

(b) may provide for grouping a parish with some neighbouring parish or parishes under a common parish council, but with a separate parish meeting for every parish so grouped, so, however, that no parish shall be grouped without the consent of the parish meeting for that parish.

(2.) For the purposes of this Act every parish in a rural sanitary district shall be a rural parish.

(3.) Where a parish is at the passing of this Act situate partly within and partly without a rural sanitary district, the part of the parish which is within the district, and the part which is without, shall as from the appointed day, but subject to any alteration of area made by or in pursuance of this or any other Act, be separate parishes, in like manner as if they had been constituted separate parishes under the Divided Parishes and Poor Law Amendment Act, 1876 [39 & 40 Vict. c. 61], and the Acts amending the same.

2. Parish meetings.] (1.) The parish meeting for a rural parish shall consist of the following persons, in this Act referred to as parochial electors, and no others, namely, the persons registered in such portion either of the local government register of electors or of the parliamentary register of electors as relates to the parish.

(2.) Each parochial elector may, at any parish meeting or at any poll consequent thereon, give one vote and no more on any question, or, in the case of an election, for each of any number of persons not exceeding the number to be elected.

(3.) The parish meeting shall assemble at least once in every year, and the proceedings of every parish meeting shall begin not earlier than six o'clock in the evening.

(4.) Subject to the provisions of this Act as to any particular person being the chairman of a parish meeting, the meeting may choose their own chairman.

(5.) A poll consequent on a parish meeting shall be taken by ballot.

(6.) The reasonable expenses of and incidental to the holding of a parish meeting or the taking of a poll consequent thereon shall be defrayed as herein-after provided.

(7.) With respect to parish meetings the provisions in the First Schedule to this Act shall have effect.

3. Constitution of parish council.] (1.) The parish council for a rural parish shall be elected from among the parochial electors of that parish, or persons who have during the whole of the twelve months preceding the election resided in the parish,

or within three miles thereof, and shall consist of a chairman and councillors, and the number of councillors shall be such as may be fixed from time to time by the county council, not being less than five nor more than fifteen.

(2.) No person shall be disqualified by sex or marriage for being elected or being a member of a parish council.

(3.) The term of office of a parish councillor shall be one year.

(4.) On the fifteenth day of April in each year (in this Act referred to as the ordinary day of coming into office of councillors) the parish councillors shall go out of office, and their places shall be filled by the newly elected councillors.

(5.) The parish councillors shall be elected by the parochial electors of the parish.

(6.) The election of parish councillors shall, subject to the provisions of this Act, be conducted according to rules framed under this Act for that purpose by the Local Government Board.

(7.) The parish council shall in every year, on or within seven days after the ordinary day of coming into office of councillors, hold an annual meeting.

(8.) At the annual meeting, the parish council shall elect, from their own body or from other persons qualified to be councillors of the parish, a chairman, who shall, unless he resigns, or ceases to be qualified, or becomes disqualified, continue in office until his successor is elected.

(9.) Every parish council shall be a body corporate by the name of the parish council, with the addition of the name of the parish, or if there is any doubt as to the latter name, of such name as the county council after consultation with the parish meeting of the parish direct, and shall have perpetual succession, and may hold land for the purposes of their powers and duties without licence in mortmain; and any act of the council may be signified by an instrument executed at a meeting of the council, and under the hands or, if an instrument under seal is required, under the hands and seals, of the chairman presiding at the meeting and two other members of the council.

(10.) With respect to meetings of parish councils the provisions in the First Schedule to this Act shall have effect.

4. Use of schoolroom.] (1.) In any rural parish in which there is no suitable public room vested in the parish council or in the chairman of a parish meeting and the overseers which can be used free of charge for the purposes in this section mentioned, the parochial electors and the parish council shall be entitled to use, free of charge, at all reasonable times, and after reasonable notice, for the purpose of—

(a) the parish meeting or any meeting of the parish council; or

(b) any inquiry for parochial purposes by the Local Government Board or any other Government department or local authority; or

(c) holding meetings convened by the chairman of the parish meeting or by the parish council, or if as to allotments in the manner prescribed by the Allotments Act, 1890 [53 & 54 Vict. c. 65], or otherwise as the Local Government Board may by rule prescribe, to discuss any question relating to allotments, under the Allotments Acts, 1887 and 1890, or under this Act; or

(d) the candidature of any person for the district council or the parish council; or

(e) any committee or officer appointed, either by the parish meeting or council or by a county or district council, to administer public funds within or for the purposes of the parish

any suitable room in the schoolhouse of any public elementary school receiving a grant out of moneys provided by Parliament, and any suitable room the expense of maintaining which is payable out of any local rate:

Provided that this enactment shall not authorise the use of any room used as part of a private dwelling-house, nor authorise any interference with the school hours of an elementary day or evening school, nor, in the case of a room used for the administration of justice or police, with the hours during which it is used for these purposes.

(2.) If, by reason of the use of the room for any of the said purposes, any expense is incurred by the persons having control over the room, or any

damage is done to the room or to the building of which the room is part or its appurtenances, or the furniture of the room or the apparatus for instruction, the expense or damage shall be defrayed as part of the expenses of the parish meeting or parish council or inquiry as the case may be; but when the meeting is called for the purpose of the candidature of any person, such expense or damage shall be reimbursed to the parish meeting or the parish council by the persons by whom or on whose behalf the meeting is convened.

(3.) If any question arises under this section as to what is reasonable or suitable, it may be determined, in the case of a schoolhouse by the Education Department, in the case of a room used for the administration of justice or police by a Secretary of State, and in any other case by the Local Government Board.

Powers and Duties of Parish Councils and Parish Meetings.

5. *Parish council to appoint overseers.* (1.) The power and duty of appointing overseers of the poor, and the power of appointing and revoking the appointment of an assistant overseer, for every rural parish having a parish council, shall be transferred to and vested in the parish council, and that council shall in each year, at their annual meeting, appoint the overseers of the parish, and shall as soon as may be fill any casual vacancy occurring in the office of overseer of the parish, and shall in either case forthwith give written notice thereof in the prescribed form to the board of guardians.

(2.) As from the appointed day—

(a) the churchwardens of every rural parish shall cease to be overseers, and an additional number of overseers may be appointed to replace the churchwardens, and

(b) references in any Act to the churchwardens and overseers shall, as respects any rural parish, except so far as those references relate to the affairs of the church, be construed as references to the overseers, and

(c) the legal interest in all property vested either in the overseers or in the churchwardens and overseers of a rural parish, other than property connected with the affairs of the church, or held for an ecclesiastical charity, shall, if there is a parish council, vest in that council, subject to all trusts and liabilities affecting the same, and all persons concerned shall make or concur in making such transfers, if any, as are requisite for giving effect to this enactment.

6. *Transfer of certain powers of vestry and other authorities to parish council.* (1.) Upon the parish council of a rural parish coming into office, there shall be transferred to that council—

(a) The powers, duties, and liabilities of the vestry of the parish except—

(i) so far as relates to the affairs of the church or to ecclesiastical charities; and

(ii) any power, duty, or liability transferred by this Act from the vestry to any other authority;

(b) The powers, duties, and liabilities of the churchwardens of the parish, except so far as they relate to the affairs of the church or to charities, or are powers and duties of overseers, but inclusive of the obligations of the churchwardens with respect to maintaining and repairing closed churchyards wherever the expenses of such maintenance and repair are repayable out of the poor rate under the Burial Act, 1855 [18 & 19 Vict. c. 128]: Provided that such obligations shall not in the case of any particular parish be deemed to attach, unless or until the churchwardens subsequently to the passing of this Act shall give a certificate, as in the Burial Act, 1855, provided, in order to obtain the repayment of such expenses out of the poor rate.

(c) The powers, duties, and liabilities of the overseers or of the churchwardens and overseers of the parish with respect to—

(i) appeals or objections by them in respect of the valuation list, or appeals in respect of the poor rate, or county rate, or the basis of the county rate; and

(ii) the provision of parish books and of a

vestry room or parochial office, parish chest, fire engine, fire escape, or matters relating thereto; and

(iii.) the holding or management of parish property, not being property relating to affairs of the church or held for an ecclesiastical charity, and the holding or management of village greens, or of allotments, whether for recreation grounds or for gardens or otherwise for the benefit of the inhabitants or any of them;

(d.) The powers exercisable with the approval of the Local Government Board by the board of guardians for the poor law union comprising the parish in respect of the sale, exchange, or letting of any parish property.

(2.) A parish council shall have the same power of making any complaint or representation as to unhealthy dwellings or obstructive buildings as is conferred on inhabitant householders by the Housing of the Working Classes Act, 1890 [53 & 54 Vict. c. 70], but without prejudice to the powers of such householders.

(3.) A parish council shall have the same power of making a representation with respect to allotments, and of applying for the election of allotment managers, as is conferred on parliamentary electors by the Allotments Act, 1887 [50 & 51 Vict. c. 48], or the Allotments Act, 1890 [53 & 54 Vict. c. 65], but without prejudice to the powers of those electors.

(4.) Where any Act constitutes any persons wardens for allotments, or authorizes or requires the appointment or election of any wardens committee or managers for the purpose of allotments, then, after a parish council for the parish interested in such allotments comes into office, the powers and duties of the wardens, committee, or managers shall be exercised and performed by the parish council, and it shall not be necessary to make the said appointment or to hold the said election, and for the purpose of section 16 of the Small Holdings Act, 1892 [55 & 56 Vict. c. 31], two members of the parish council shall be substituted for allotment managers or persons appointed as allotment managers.

7. *Transfer of powers under adoptive Acts.* (1.) As from the appointed day, in every rural parish the parish meeting shall, exclusively, have the power of adopting any of the following Acts, inclusive of any Acts amending the same (all which Acts are in this Act referred to as "the adoptive Acts"); namely,—

(a) The Lighting and Watching Act, 1833 [3 & 4 Will. 4, c. 90].

(b) The Baths and Washhouses Acts, 1846 to 1882 [9 & 10 Vict. c. 74; 45 & 46 Vict. c. 30].

(c) The Burial Acts, 1852 to 1885 [15 & 16 Vict. c. 85; 48 & 49 Vict. c. 21].

(d) The Public Improvements Act, 1860 [23 & 24 Vict. c. 30].

(e) The Public Libraries Act, 1892 [55 & 56 Vict. c. 53].

(2.) Where under any of the said Acts a particular majority is required for the adoption or abandonment of the Act, or for any matter under such Act, the like majority of the parish meeting or, if a poll is taken, of the parochial electors, shall be required, and where under any of the said Acts the opinion of the voters is to be ascertained by voting papers, the opinion of the parochial electors shall be ascertained by a poll taken in manner provided by this Act.

(3.) Where under any of the said Acts the consent or approval of, or other act on the part of, the vestry of a rural parish is required in relation to any expense or rate, the parish meeting shall be substituted for the vestry, and for this purpose the expression "vestry" shall include any meeting of ratepayers or voters.

(4.) Where there is power to adopt any of the adoptive Acts for a part only of a rural parish, the Act may be adopted by a parish meeting held for that part.

(5.) Where the area under any existing authority acting within a rural parish in the execution of any of the adoptive Acts is co-extensive with the parish, all powers, duties, and liabilities of that authority shall, on the parish council coming into office, be transferred to that council.

(6.) This Act shall not alter the incidence of charge of any rate levied to defray expenses incurred under any of the adoptive Acts, and any such rate shall be made and charged as heretofore, and any property applicable to the payment of such expenses shall continue to be so applicable.

(7.) When any of the adoptive Acts is adopted for the whole or part of a rural parish after the appointed day, and the parish has a parish council, the parish council shall be the authority for the execution of the Act.

(8.) For the purposes of this Act the passing of a resolution to provide a burial ground under the Burial Acts, 1852 to 1885, shall be deemed an adoption of those Acts.

8. *Additional powers of parish council.* (1.) A parish council shall have the following additional powers, namely, power—

(a) to provide or acquire buildings for public offices and for meetings and for any purposes connected with parish business or with the powers or duties of the parish council or parish meeting; and

(b) to provide or acquire land for such buildings and for a recreation ground and for public walks; and

(c) to apply to the Board of Agriculture under section nine of the Commons Act, 1876 [39 & 40 Vict. c. 56]; and

(d) to exercise with respect to any recreation ground, village green, open space, or public walk, which is for the time being under their control, or to the expense of which they have contributed, such powers as may be exercised by an urban authority under section one hundred and sixty-four of the Public Health Act, 1875 [38 & 39 Vict. c. 55], or section forty-four of the Public Health Acts Amendment Act, 1890 [53 & 54 Vict. c. 59], in relation to recreation grounds or public walks, and sections one hundred and eighty-three to one hundred and eighty-six of the Public Health Act, 1875, shall apply accordingly as if the parish council were a local authority within the meaning of those sections; and

(e) to utilize any well, spring, or stream within their parish and provide facilities for obtaining water therefrom, but so as not to interfere with the rights of any corporation or person; and

(f) to deal with any pond, pool, open ditch, drain, or place containing, or used for the collection of, any drainage, filth, stagnant water, or matter likely to be prejudicial to health, by draining, cleansing, covering it, or otherwise preventing it from being prejudicial to health, but so as not to interfere with any private right or the sewage or drainage works of any local authority; and

(g) to acquire by agreement any right of way, whether within their parish or an adjoining parish, the acquisition of which is beneficial to the inhabitants of the parish or any part thereof; and

(h) to accept and hold any gifts of property, real or personal, for the benefit of the inhabitants of the parish or any part thereof; and

(i) to execute any works (including works of maintenance or improvement) incidental to or consequential on the exercise of any of the foregoing powers, or in relation to any parish property, not being property relating to affairs of the church or held for an ecclesiastical charity; and

(k) to contribute towards the expense of doing any of the things above mentioned, or to agree to combine with any other parish council to do or contribute towards the expense of doing any of the things above mentioned.

(2.) A parish council may let, or, with the consent of the parish meeting, sell or exchange, any land or buildings vested in the council, but the power of letting for more than a year and the power of sale or exchange shall not be exercised in the case of property which has been acquired at the expense of any rate, or is at the passing of this Act applied in aid of any rate, or would but for want of income be so applied, without the con-

sent of the Local Government Board, or in any other case without such consent or approval as is required under the Charitable Trusts Acts, 1853 to 1891, for the sale of charity estates, provided that the consent or approval required under those Acts shall not be required for the letting for allotments of land vested in the parish council.

(3.) Nothing in this section shall derogate from any obligation of a district council with respect to the supply of water or the execution of sanitary works.

(4.) Notice of any application to the Board of Agriculture in relation to a common shall be served upon the council of every parish in which any part of the common to which the application relates is situate.

9. *Powers for acquisition of land.* (1.) For the purpose of the acquisition of land by a parish council the Lands Clauses Acts shall be incorporated with this Act, except the provisions of those Acts with respect to the purchase and taking of land otherwise than by agreement, and section one hundred and seventy-eight of the Public Health Act, 1875 [38 & 39 Vict. c. 55], shall apply as if the parish council were referred to therein.

(2.) If a parish council are unable to acquire by agreement and on reasonable terms suitable land for any purpose for which they are authorized to acquire it, they may represent the case to the county council, and the county council shall inquire into the representation.

(3.) If on any such representation, or on any proceeding under the Allotments Acts, 1887 [50 & 51 Vict. c. 48] and 1890 [53 & 54 Vict. c. 65], a county council are satisfied that suitable land for the said purpose of the parish council or for the purpose of allotments (as the case may be), cannot be acquired on reasonable terms by voluntary agreement, and that the circumstances are such as to justify the county council in proceeding under this section, they shall cause such public inquiry to be made in the parish, and such notice to be given both in the parish and to the owners, lessees, and occupiers of the land proposed to be taken as may be prescribed, and all persons interested shall be permitted to attend at the inquiry, and to support or oppose the taking of the land.

(4.) After the completion of the inquiry, and considering all objections made by any persons interested, the county council may make an order for putting in force, as respects the said land or any part thereof, the provisions of the Lands Clauses Acts with respect to the purchase and taking of land otherwise than by agreement.

(5.) If the county council refuse to make any such order, the parish council, or, if the proceeding is taken on the petition of the district council, then the district council, may petition the Local Government Board, and that Board after local inquiry may, if they think proper, make the order, and this section shall apply as if the order had been made by the county council. Any order made under this sub-section overruling the decision of the county council shall be laid before Parliament by the Local Government Board.

(6.) A copy of any order made under this section shall be served in the prescribed manner, together with a statement that the order will become final and have the effect of an Act of Parliament, unless within the prescribed period a memorial by some person interested is presented to the Local Government Board praying that the order shall not become law without further inquiry.

(7.) The order shall be deposited with the Local Government Board, who shall inquire whether the provisions of this section and the prescribed regulations have been in all respects complied with; and if the Board are satisfied that this has been done, then, after the prescribed period—

- (a.) If no memorial has been presented, or if every such memorial has been withdrawn, the Board shall, without further inquiry, confirm the order;
- (b.) If a memorial has been presented, the Local Government Board shall proceed to hold a local inquiry, and shall, after such inquiry, either confirm, with or without amendment, or disallow the order;
- (c.) Upon any such confirmation the order, and if amended as so amended, shall become final and have the effect of an Act of

Parliament, and the confirmation by the Local Government Board shall be conclusive evidence that the requirements of this Act have been complied with, and that the order has been duly made, and is within the powers of this Act.

(8.) Sections two hundred and ninety-three to two hundred and ninety-six, and sub-sections (1) and (2) of section two hundred and ninety-seven of the Public Health Act, 1875, shall apply to a local inquiry held by the Local Government Board for the purposes of this section, as if those sections and sub-sections were herein re-enacted, and in terms made applicable to such inquiry.

(9.) The order shall be carried into effect, when made on the petition of a district council, by that council, and in any other case by the county council.

(10.) Any order made under this section for the purpose of the purchase of land otherwise than by agreement shall incorporate the Lands Clauses Acts and sections seventy-seven to eighty-five of the Railways Clauses Consolidation Act, 1845 [8 & 9 Vict. c. 20], with the necessary adaptations, but any question of disputed compensation shall be dealt with in the manner provided by section three of the Allotments Act, 1887, and provisions (a), (b), and (c) of sub-section (4) of that section are incorporated with this section and shall apply accordingly: Provided that in determining the amount of disputed compensation, the arbitrator shall not make any additional allowance in respect of the purchase being compulsory.

(11.) At any inquiry or arbitration held under this section the person or persons holding the inquiry or arbitration shall hear any authorities or parties interested by themselves or their agents, and shall hear witnesses, but shall not, except in such cases as may be prescribed, hear counsel or expert witnesses.

(12.) The person or persons holding a public inquiry for the purposes of this section on behalf of a county council shall have the same powers as an inspector or inspectors of the Local Government Board when holding a local inquiry; and section two hundred and ninety-four of the Public Health Act, 1875, shall apply to the costs of inquiries held by the county council for the purpose of this section as if the county council were substituted for the Local Government Board.

(13.) Sub-section (2) of section two, if the land is taken for allotments, and, whether it is or is not so taken, sub-sections (5), (6), (7), and (8) of section three of the Allotments Act, 1887 [50 & 51 Vict. c. 48], and section eleven of that Act, and section three of the Allotments Act, 1890 [53 & 54 Vict. c. 65], are incorporated with this section, and shall, with the prescribed adaptations, apply accordingly.

(14.) Where the land is acquired otherwise than for allotments, it shall be assured to the parish council; and any land purchased by a county council for allotments under the Allotments Acts, 1887 and 1890, and this Act, or any of them, shall be assured to the parish council, and in that case sections five to eight of the Allotments Act, 1887, shall apply as if the parish council were the sanitary authority.

(15.) Nothing in this section shall authorize the parish council to acquire otherwise than by agreement any land for the purpose of any supply of water, or of any right of way.

(16.) In this section the expression "allotments" includes common pasture where authorized to be acquired under the Allotments Act, 1887.

(17.) Where, under the Allotments Act, 1890, the Allotments Act, 1887, applies to the purchase of land by the county council, that Act shall apply as amended by this section, and the parish council shall have the like power of petitioning the county council as is given to six parliamentary electors by section two of the Allotments Act, 1890.

(18.) This section shall apply to a county borough with the necessary modifications, and in particular with the modification that the order shall be both made and confirmed by the Local Government Board and shall be carried into effect by the council of the county borough.

(19.) The expenses of a county council incurred under this section shall be defrayed in like manner as in the case of a local inquiry by a county council under this Act.

10. *Hiring of land for allotments.* (1.) The parish

council shall have power to hire land for allotments, and if they are satisfied that allotments are required, and are unable to hire by agreement on reasonable terms suitable land for allotments, they shall represent the case to the county council, and the county council may make an order authorizing the parish council to hire compulsorily for allotments, for a period not less than fourteen years nor more than thirty-five years, such land in or near the parish as is specified in the order, and the order shall, as respects confirmation and otherwise, be subject to the like provisions as if it were an order of the county council made under the last preceding section of this Act, and that section shall apply as if it were herein re-enacted with the substitution of "hiring" for "purchase" and with the other necessary modifications.

(2.) A single arbitrator, who shall be appointed in accordance with the provisions of section three of the Allotments Act, 1887, and to whom the provisions of that section shall apply, shall have power to determine any question—

- (a) as to the terms and conditions of the hiring; or
- (b) as to the amount of compensation for severance; or
- (c) as to the compensation to any tenant upon the determination of his tenancy; or
- (d) as to the apportionment of the rent between the land taken by the parish council and the land not taken from the tenant; or
- (e) as to any other matter incidental to the hiring of the land by the council, or the surrender thereof at the end of their tenancy;

but the arbitrator in fixing the rent shall not make any addition in respect of compulsory hiring.

(3.) The arbitrator, in fixing rent or other compensation, shall take into consideration all the circumstances connected with the land, and the use to which it might otherwise be put by the owner during the term of hiring, and any depreciation of the value to the tenant of the residue of his holding caused by the withdrawal from the holding of the land hired by the parish council.

(4.) Any compensation awarded to a tenant in respect of any depreciation of the value to him of the residue of his holding caused by the withdrawal from the holding of the land hired by the parish council shall as far as possible be provided for by taking such compensation into account in fixing, as the case may require, the rent to be paid by the parish council for the land hired by them, and the apportioned rent, if any, to be paid by the tenant for that portion of the holding which is not hired by the parish council.

(5.) The award of the arbitrator, or a copy thereof, together with a report signed by him as to the condition of the land taken by the parish council, shall be deposited and preserved with the public books, writings, and papers of the parish, and the owner for the time being of the land shall at all reasonable times be at liberty to inspect the same and to take copies thereof.

(6.) Save as hereinafter mentioned, sections five to eight of the Allotments Act, 1887, shall apply to any allotment hired by a parish council in like manner as if that council were the sanitary authority and also the allotment managers:

Provided that the parish council—

- (a.) may let to one person an allotment or allotments exceeding one acre, but, if the land is hired compulsorily, not exceeding in the whole four acres of pasture or one acre of arable and three acres of pasture; and
- (b.) may permit to be erected on the allotment any stable, cowhouse, or barn; and
- (c.) shall not break up, or permit to be broken up, any permanent pasture, without the assent in writing of the landlord.

(7.) On the determination of any tenancy created by compulsory hiring a single arbitrator who shall be appointed in accordance with the provisions of section three of the Allotments Act, 1887, shall have power to determine as to the amount due by the landlord for compensation for improvements, or by the parish council for depreciation, but such compensation shall be assessed in accordance with the provisions of the Agricultural Holdings (England) Act, 1883 [46 & 47 Vict. c. 61].

(8.) The order for compulsory hiring may apply, with the prescribed adaptations, such of the provisions of the Lands Clauses Acts (including those relating to the acquisition of land otherwise than

by agreement) as appear to the county council or Local Government Board sufficient for carrying into effect the order, and for the protection of the persons interested in the land and of the parish council.

(9.) Nothing in this section shall authorize the compulsory hiring of any mines or minerals, or confer any right to take, sell, or carry away any gravel, sand, or clay, or authorize the hiring of any land which is already owned or occupied as a small holding within the meaning of the Small Holdings Act, 1892 [55 & 56 Vict. c. 31].

(10.) If the land hired under this section shall at any time during the tenancy thereof by the parish council be shown to the satisfaction of the county council to be required by the landlord for the purpose of working and getting the mines, minerals, or surface minerals thereunder, or for any road or work to be used in connexion with such working or getting, it shall be lawful for the landlord of such land to resume possession thereof upon giving to the parish council twelve calendar months previous notice in writing of his intention so to do, and upon such resumption the landlord shall pay to the parish council and to the allotment holders of the land for the time being such sum by way of compensation for the loss of such land for the purposes of allotments as may be agreed upon by the landlord and the parish council, or in default of such agreement as may be awarded by a single arbitrator to be appointed in accordance with the provisions of section three of the Allotments Act, 1887, and the provisions of that section shall apply to such arbitrator.

The word "landlord" in this sub-section means the person for the time being entitled to receive the rent of the land hired by the parish council.

(11.) The Local Government Board shall annually lay before Parliament a report of any proceedings under this and the preceding section.

11. Restrictions on expenditure.] (1.) A parish council shall not, without the consent of a parish meeting, incur expenses or liabilities which will involve a rate exceeding threepence in the pound for any local financial year, or which will involve a loan.

(2.) A parish council shall not, without the approval of the county council, incur any expense or liability which will involve a loan.

(3.) The sum raised in any local financial year by a parish council for their expenses (other than expenses under the adoptive Acts) shall not exceed a sum equal to a rate of sixpence in the pound on the rateable value of the parish at the commencement of the year, and for the purpose of this enactment the expression "expenses" includes any annual charge, whether of principal or interest, in respect of any loan.

(4.) Subject to the provisions of this Act, the expenses of a parish council and of a parish meeting, including the expenses of any poll, shall be paid out of the poor rate; and where there is a parish council that council shall pay the said expenses of the parish meeting of the parish; and the parish council, and where there is no parish council the chairman of the parish meeting, shall, for the purpose of obtaining payment of such expenses, have the same powers as a board of guardians have for the purpose of obtaining contributions to their common fund.

(5.) The demand note for any rate levied for defraying the expenses of a parish council or a parish meeting, together with other expenses, shall state in the prescribed form the proportion of the rate levied for the expenses of the council or meeting, and the proportion (if any) levied for the purpose of any of the adoptive Acts.

12. Borrowing by parish council.] (1.) A parish council for any of the following purposes, that is to say—

(a) for purchasing any land, or building any buildings, which the council are authorized to purchase or build; and

(b) for any purpose for which the council are authorized to borrow under any of the adoptive Acts; and

(c) for any permanent work or other thing which the council are authorized to execute or do, and the cost of which ought, in the opinion of the county council and the Local Government Board, to be spread over a term of years;

may, with the consent of the county council and the Local Government Board, borrow money in like manner and subject to the like conditions as a local authority may borrow for defraying expenses incurred in the execution of the Public Health Acts, and sections two hundred and thirty-three, two hundred and thirty-four, and two hundred and thirty-six to two hundred and thirty-nine of the Public Health Act, 1875 [38 & 39 Vict. c. 55], shall apply accordingly, except that the money shall be borrowed on the security of the poor rate and of the whole or part of the revenues of the parish council, and except that as respects the limit of the sum to be borrowed, one half of the assessable value shall be substituted for the assessable value for two years.

(2.) A county council may lend to a parish council any money which the parish council are authorized to borrow, and may, if necessary, without the sanction of the Local Government Board, and irrespectively of any limit of borrowing, raise the money by loan, subject to the like conditions and in the like manner as any other loan for the execution of their duties, and subject to any further conditions which the Local Government Board may by general or special order impose.

(3.) A parish council shall not borrow for the purposes of any of the adoptive Acts otherwise than in accordance with this Act, but the charge for the purpose of any of the adoptive Acts shall ultimately be on the rate applicable to the purposes of that Act.

13. Footpaths and roads.] (1.) The consent of the parish council and of the district council shall be required for the stopping, in whole or in part, or diversion, of a public right of way within a rural parish, and the consent of the parish council shall be required for a declaration that a highway in a rural parish is unnecessary for public use and not repairable at the public expense, and the parish council shall give public notice of a resolution to give any such consent, and the resolution shall not operate—

(a) unless it is confirmed by the parish council at a meeting held not less than two months after the public notice is given; nor

(b) if a parish meeting held before the confirmation resolve that the consent ought not to be given.

(2.) A parish council may, subject to the provisions of this Act with respect to restrictions on expenditure, undertake the repair and maintenance of all or any of the public footpaths within their parish, not being footpaths at the side of a public road, but this power shall not nor shall the exercise thereof relieve any other authority or person from any liability with respect to such repair or maintenance.

14. Public property and charities.] (1.) Where trustees hold any property for the purposes of a public recreation ground or of public meetings, or of allotments, whether under Inclosure Acts or otherwise, for the benefit of the inhabitants of a rural parish, or any of them, or for any public purpose connected with a rural parish, except for an ecclesiastical charity, they may, with the approval of the Charity Commissioners, transfer the property to the parish council of the parish, or to persons appointed by that council, and the parish council, if they accept the transfer, and the appointees, shall hold the property on the trusts and subject to the conditions on which the trustees held the same.

(2.) Where overseers of a rural parish as such are, either alone or jointly with any other persons, trustees of any parochial charity, such number of the councillors of the parish or other persons, not exceeding the number of the overseer trustees, as the council may appoint, shall be trustees in their place, and when the charity is not an ecclesiastical charity, this enactment shall apply as if the churchwardens as such were specified therein as well as the overseers.

(3.) Where the governing body of a parochial charity other than an ecclesiastical charity does not include any persons elected by the ratepayers or parochial electors or inhabitants of the parish, or appointed by the parish council or parish meeting, the parish council may appoint additional members of that governing body not exceeding the number allowed by the Charity Commissioners in each case;

and if the management of any such charity is vested in a sole trustee, the number of trustees may, with the approval of the Charity Commissioners, be increased to three, one of whom may be nominated by such sole trustee and one by the parish council or parish meeting. Nothing in this sub-section shall prejudicially affect the power or authority of the Charity Commissioners, under any of the Acts relating to charities, to settle or alter schemes for the better administration of any charity.

(4.) Where the vestry of a rural parish are entitled, under the trusts of a charity other than an ecclesiastical charity, to appoint any trustees or beneficiaries of the charity, the appointment shall be made by the parish council of the parish, or in the case of beneficiaries, by persons appointed by the parish council.

(5.) The draft of every scheme relating to a charity, not being an ecclesiastical charity, which affects a rural parish, shall, on or before the publication of the notice of the proposal to make an order for such scheme in accordance with section six of the Charitable Trusts Act, 1860 [23 & 24 Vict. c. 136], be communicated to the council of the parish, and where there is no parish council to the chairman of the parish meeting, and, in the case of a council, the council may, subject to the provisions of this Act with respect to restrictions on expenditure, and to the consent of the parish meeting, either support or oppose the scheme, and shall for that purpose have the same right as any inhabitants of a place directly affected by the scheme.

(6.) The accounts of all parochial charities, not being ecclesiastical charities, shall annually be laid before the parish meeting of any parish affected thereby, and the Charitable Trusts Amendment Act, 1855 [18 & 19 Vict. c. 121], shall apply with the substitution in section forty-four of the parish meeting for the vestry, and of the chairman of the parish meeting for the churchwardens, and the names of the beneficiaries of dole charities shall be published annually in such form as the parish council, or, where there is no parish council, the parish meeting, think fit.

(7.) The term of office of a trustee appointed under this section shall be four years, but of the trustees first appointed as aforesaid one half, as nearly as may be, to be determined by lot, shall go out of office at the end of two years from the date of their appointment, but shall be eligible for re-appointment.

(8.) The provisions of this section with respect to the appointment of trustees, except so far as the appointment is transferred from the vestry, shall not apply to any charity until the expiration of forty years from the date of the foundation thereof, or, in the case of a charity founded before the passing of this Act by a donor or by several donors any one of whom is living at the passing of this Act, until the expiration of forty years from the passing of this Act, unless with the consent of the surviving donor or donors.

(9.) Whilst a person is trustee of a parochial charity he shall not, nor shall his wife or any of his children, receive any benefit from the charity.

15. Delegated powers of parish councils.] A rural district council may delegate to a parish council any power which may be delegated to a parochial committee under the Public Health Acts, and thereupon those Acts shall apply as if the parish council were a parochial committee, and where such district council appoint a parochial committee consisting partly of members of the district council and partly of other persons, those other persons shall, where there is a parish council, be or be selected from the members of the parish council.

16. Complaint by parish council of default of district council.] (1.) Where a parish council resolve that a rural district council ought to have provided the parish with sufficient sewers, or to have maintained existing sewers, or to have provided the parish with a supply of water in cases where danger arises to the health of the inhabitants from the insufficiency or unwholesomeness of the existing supply of water, and a proper supply can be got at a reasonable cost, or to have enforced with regard to the parish any provisions of the Public Health Acts which it is their duty to enforce, and have failed so to do, or that they have failed to maintain and repair any highway in a good and substantial

manner, the parish council may complain to the county council, and the county council, if satisfied after due inquiry that the district council have so failed as respects the subject matter of the complaint, may resolve that the duties and powers of the district council for the purpose of the matter complained of shall be transferred to the county council, and they shall be transferred accordingly.

(3.) Upon any complaint under this section the county council may, instead of resolving that the duties and powers of the rural district council be transferred to them, make such an order as is mentioned in section two hundred and ninety-nine of the Public Health Act, 1875 [38 & 39 Vict. c. 55], and may appoint a person to perform the duty mentioned in the order, and upon such appointment sections two hundred and ninety-nine to three hundred and two of the Public Health Act, 1875, shall apply with the substitution of the county council for the Local Government Board.

(3.) Where a rural district council have determined to adopt plans for the sewerage or water supply of any contributory place within the district, they shall give notice thereof to the parish council of any parish for which the works are to be provided before any contract is entered into by them for the execution of the works.

17. *Parish officers and parish documents.* (1.) A parish council may appoint one of their number to act as clerk of the council without remuneration.

(2.) If no member of the parish council is appointed so to act, and there is an assistant overseer, he, or such one of the assistant overseers, if more than one, as may be appointed by the council, shall be the clerk of the parish council, and the performance of his duties as such shall be taken into account in determining his salary.

(3.) If there is no assistant overseer, the parish council may appoint a collector of poor rates, or some other fit person, to be their clerk, with such remuneration as they may think fit.

(4.) A parish council shall not appoint to the office of vestry clerk.

(5.) When a parish council act as a parochial committee by delegation from the district council they shall have the services of the clerk of the district council, unless the district council otherwise direct.

(6.) The parish council may appoint one of their own number or some other person to act as treasurer without remuneration, and the treasurer shall give such security as may be required by regulations of the county council.

(7.) All documents required by statute or by standing orders of Parliament to be deposited with the parish clerk of a rural parish shall, after the election of a parish council, be deposited with the clerk, or, if there is none, with the chairman, of the parish council, and the enactments with respect to the inspection of, and taking copies of, and extracts from, any such documents shall apply as if the clerk, or chairman, as the case may be, were mentioned therein.

(8.) The custody of the registers of baptisms, marriages, and burials, and of all other books and documents containing entries wholly or partly relating to the affairs of the Church or to ecclesiastical charities, except documents directed by law to be kept with the public books, writings, and papers of the parish, shall remain as provided by the existing law unaffected by this Act. All other public books, writings, and papers of the parish, and all documents directed by law to be kept therewith, shall either remain in their existing custody, or be deposited in such custody as the parish council may direct. The incumbent and churchwardens on the one part, and the parish council on the other, shall have reasonable access to all such books, documents, writings, and papers, as are referred to in this subsection, and any difference as to custody or access shall be determined by the county council.

(9.) Every county council shall from time to time inquire into the manner in which the public books, writings, papers, and documents under the control of the parish council or parish meeting are kept with a view to the proper preservation thereof, and shall make such orders as they think necessary for such preservation, and those orders shall be complied with by the parish council or parish meeting.

18. *Parish wards.* (1.) A county council may,

on application by the parish council, or not less than one tenth of the parochial electors of a parish, and on being satisfied that the area or population of the parish is so large, or different parts of the population so situated, as to make a single parish meeting for the election of councillors impracticable or inconvenient, or that it is desirable for any reason that certain parts of the parish should be separately represented on the council, order that the parish be divided for the purpose of electing parish councillors into wards, to be called parish wards, with such boundaries and such number of councillors for each ward as may be provided by the order.

(2.) In the division of a parish into wards regard shall be had to the population according to the last published census for the time being, and to the evidence of any considerable change of population since that census, and to area, and to the distribution and pursuits of the population, and to all the circumstances of the case.

(3.) Any such order may be revoked or varied by the county council on application by either the council or not less than one-tenth of the parochial electors of the parish, but while in force shall have effect as if enacted by this Act.

(4.) In a parish divided into parish wards there shall be a separate election of parish councillors for each ward.

19. *Provisions as to small parishes.* In a rural parish not having a separate parish council, the following provisions shall, as from the appointed day, but subject to provisions made by a grouping order, if the parish is grouped with some other parish or parishes, have effect:—

(1.) At the annual assembly the parish meeting shall choose a chairman for the year;

(2.) The parish meeting shall assemble not less than twice in each year;

(3.) The parish meeting may appoint a committee of their own number for any purposes which, in the opinion of the parish meeting, would be better regulated and managed by means of such a committee, and all the acts of the committee shall be submitted to the parish meeting for their approval;

(4.) All powers, duties, and liabilities of the vestry shall, except so far as they relate to the affairs of the church or to ecclesiastical charities, or are transferred by this Act to any other authority, be transferred to the parish meeting;

(5.) The power and the duty of appointing the overseers, and of notifying the appointment, and the power of appointing and revoking the appointment of an assistant overseer, shall be transferred to and vest in the parish meeting, and the power given by this Act to a parish council of appointing trustees of a charity in the place of overseers or churchwardens, shall vest in the parish meeting;

(6.) The chairman of the parish meeting and the overseers of the parish shall be a body corporate by the name of the chairman and overseers of the parish, and shall have perpetual succession, and may hold land for the purposes of the parish without licence in mortmain; but shall in all respects act in manner directed by the parish meeting, and any act of such body corporate shall be executed under the hands, or if an instrument under seal is required under the hands and seals, of the said chairman and overseers;

(7.) The legal interest in all property which under this Act would, if there were a parish council, be vested on the appointed day in the parish council shall vest in the said body corporate of the chairman and overseers of the parish, subject to all trusts and liabilities affecting the same, and all persons concerned shall make or concur in making such transfers (if any) as are requisite to give effect to this enactment;

(8.) The provisions of this Act with respect to the stopping or diversion of a public right of way, or the declaring of a highway to be unnecessary and not repairable at the public expense, and with respect to a complaint to a county council of a default by a district

council, shall apply, with the substitution of the parish meeting for the parish council;

(9.) A rate levied for defraying the expenses of the parish meeting (when added to expenses under any of the adoptive Acts) shall not exceed sixpence in the pound in any local financial year;

(10.) On the application of the parish meeting the county council may confer on that meeting any of the powers conferred on a parish council by this Act;

(11.) Any act of the parish meeting may be signified by an instrument executed at the meeting under the hands, or, if an instrument under seal is required under the hands and seals, of the chairman presiding at the meeting and two other parochial electors present at the meeting.

PART II.

GUARDIANS AND DISTRICT COUNCILS.

20. *Election and qualification of guardians* [As from the appointed day the following provisions shall apply to boards of guardians:—

(1.) There shall be no ex-officio or nominated guardians:—

(2.) A person shall not be qualified to be elected or to be a guardian for a poor law union unless he is a parochial elector of some parish within the union, or has during the whole of the twelve months preceding the election resided in the union, or in the case of a guardian for a parish wholly or partly situate within the area of a borough, whether a county borough or not, is qualified to be elected a councillor for that borough, and no person shall be disqualified by sex or marriage for being elected or being a guardian. So much of any enactment, whether in a public general or local and personal Act, as relates to the qualification of a guardian shall be repealed:

(3.) The parochial electors of a parish shall be the electors of the guardians for the parish, and, if the parish is divided into wards for the election of guardians, the electors of the guardians for each ward shall be such of the parochial electors as are registered in respect of qualifications within the ward:

(4.) Each elector may give one vote and no more for each of any number of persons not exceeding the number to be elected:

(5.) The election shall, subject to the provisions of this Act, be conducted according to rules framed under this Act by the Local Government Board:

(6.) The term of office of a guardian shall be three years, and one third, as nearly as may be, of every board of guardians shall go out of office on the fifteenth day of April in each year, and their places shall be filled by the newly elected guardians. Provided as follows:—

(a.) Where the county council on the application of the board of guardians of any union in their county consider that it would be expedient to provide for the simultaneous retirement of the whole of board of guardians for the union, they may direct that the members of the board of guardians for that union shall retire together on the fifteenth day of April in every third year, and such order shall have full effect, and where a union is in more than one county, an order may be made by a joint committee of the councils of those counties:

(b.) Where at the passing of this Act the whole of the guardians of any union, in pursuance of an order of the Local Government Board, retire together at the end of every third year, they shall continue so to retire, unless the county council, or a joint committee of the county councils, on the application of the board of guardians or of any district council of a district wholly or partially within the union, otherwise direct:

(7.) A board of guardians may elect a chairman or vice-chairman or both, and not more than two other persons, from outside their

own body, but from persons qualified to be guardians of the union, and any person so elected shall be an additional guardian and member of the board. Provided that on the first election, if a sufficient number of persons who have been ex-officio or nominated guardians of the union, and have actually served as such, are willing to serve, the additional members shall be elected from among those persons.

21. Names of county districts and district councils.] As from the appointed day,—

- (1.) Urban sanitary authorities shall be called urban district councils, and their districts shall be called urban districts; but nothing in this section shall alter the style or title of the corporation or council of a borough;
- (2.) For every rural sanitary district there shall be a rural district council whose district shall be called a rural district;
- (3.) In this and every other Act of Parliament, unless the context otherwise requires, the expression "district council" shall include the council of every urban district, whether a borough or not, and of every rural district, and the expression "county district" shall include every urban and rural district whether a borough or not.

22. Chairman of council to be justice.] The chairman of a district council unless a woman or personally disqualified by any Act shall be by virtue of his office justice of the peace for the county in which the district is situate, but before acting as such justice he shall, if he has not already done so, take the oaths required by law to be taken by a justice of the peace other than the oath respecting the qualification by estate.

23. Constitution of district councils in urban districts not being boroughs.] As from the appointed day, where an urban district is not a borough—

- (1.) There shall be no ex-officio or nominated members of the urban sanitary authority;
- (2.) A person shall not be qualified to be elected or to be a councillor unless he is a parochial elector of some parish within the district, or has during the whole of the twelve months preceding the election resided in the district, and no person shall be disqualified by sex or marriage for being elected or being a councillor. So much of any enactment whether in a public general or local and personal Act as relates to the qualification of a member of an urban sanitary authority shall be repealed;
- (3.) The parochial electors of the parishes in the district shall be the electors of the councillors of the district, and, if the district is divided into wards, the electors of the councillors for each ward shall be such of the parochial electors as are registered in respect of qualifications within the ward;
- (4.) Each elector may give one vote and no more for each of any number of persons not exceeding the number to be elected;
- (5.) The election shall, subject to the provisions of this Act, be conducted according to rules framed under this Act by the Local Government Board;
- (6.) The term of office of a councillor shall be three years, and one-third, as nearly as may be, of the council, and if the district is divided into wards one-third, as nearly as may be, of the councillors for each ward, shall go out of office on the fifteenth day of April in each year, and their places shall be filled by the newly-elected councillors. Provided that a county council may on request made by a resolution of an urban district council, passed by two-thirds of the members voting on the resolution, direct that the members of such council shall retire together on the fifteenth day of April in every third year, and such order shall have full effect.

24. Rural district councils.] (1.) The district council of every rural district shall consist of a chairman and councillors, and the councillors shall be elected by the parishes or other areas for the election of guardians in the district.

- (2.) The number of councillors for each parish

or other area in a rural district shall be the same as the number of guardians for that parish or area.

(3.) The district councillors for any parish or other area in a rural district shall be the representatives of that parish or area on the board of guardians, and when acting in that capacity shall be deemed to be guardians of the poor, and guardians as such shall not be elected for that parish or area.

(4.) The provisions of this Act with respect to the qualification, election, and term of office and retirement of guardians, and to the qualification of the chairman of the board of guardians, shall apply to district councillors and to the chairman of the district council of a rural district, and any person qualified to be a guardian for a union comprising the district shall be qualified to be a district councillor for the district.

(5.) Where a rural sanitary district is on the appointed day situate in more than one administrative county, such portion thereof as is situate in each administrative county shall, save as otherwise provided by or in pursuance of this or any other Act, be as from the appointed day a rural district;

Provided that where the number of councillors of any such district will be less than five, the provisions, so far as unrepealed, of section nine of the Public Health Act, 1875 [38 & 39 Vict. c. 55], with respect to the nomination of persons to make up the members of a rural authority to five, shall apply, unless the Local Government Board by order direct that the affairs of the district shall be temporarily administered by the district council of an adjoining district in another county with which it was united before the appointed day, and, if they so direct, the councillors of the district shall be entitled, so far as regards those affairs, to sit and act as members of that district council, but a separate account shall be kept of receipts and expenses in respect of the district, and the same shall be credited or charged separately to the district.

(6.) The said provisions of section nine of the Public Health Act, 1875, shall apply to the district council of a rural district to which they apply at the passing of this Act.

(7.) Every district council for a rural district shall be a body corporate by the name of the district council, with the addition of the name of the district, or if there is any doubt as to the latter name, of such name as the county council direct, and shall have perpetual succession and a common seal, and may hold land for the purposes of their powers and duties without licence in mortmain.

25. Powers of district council with respect to sanitary and highway matters.] (1.) As from the appointed day, there shall be transferred to the district council of every rural district all the powers, duties and liabilities of the rural sanitary authority in the district, and of any highway authority in the district, and highway boards shall cease to exist, and rural district councils shall be the successors of the rural sanitary authority and highway authority, and shall also have as respects highways, all the powers, duties, and liabilities of an urban sanitary authority under sections one hundred and forty-four to one hundred and forty-eight of the Public Health Act, 1875 [38 & 39 Vict. c. 55], and those sections shall apply in the case of a rural district and of the council thereof in like manner as in the case of an urban district and an urban authority. Provided that the council of any county may by order postpone within their county or any part thereof the operation of this section, so far as it relates to highways, for a term not exceeding three years from the appointed day or such further period as the Local Government Board may on the application of such council allow.

(2.) Where a highway repairable *ratione tenuræ* appears on the report of a competent surveyor not to be in proper repair, and the person liable to repair the same fails when requested so to do by the district council to place it in proper repair, the district council may place the highway in proper repair, and recover from the person liable to repair the highway the necessary expenses of so doing.

(3.) Where a highway authority receives any contribution from the county council towards the cost of any highway under section eleven, sub-

section (10), of the Local Government Act, 1888 [51 & 52 Vict. c. 41], such contribution may be made, subject to any such conditions for the proper maintenance and repair of such highways, as may be agreed on between the county council and the highway authority.

(4.) Where the council of a rural district become the highway authority for that district, any excluded part of a parish under section two hundred and sixteen of the Public Health Act, 1875, which is situate in that district, shall cease to be part of any urban district for the purpose of highways, but until the council become the highway authority such excluded part of a parish shall continue subject to the said section.

(5.) Rural district councils shall also have such powers, duties, and liabilities of urban sanitary authorities under the Public Health Acts or any other Act, and such provisions of any of those Acts relating to urban districts shall apply to rural districts, as the Local Government Board by general order direct.

(6.) The power to make such general orders shall be in addition to and not in substitution for the powers conferred on the Board by section two hundred and seventy-six of the Public Health Act, 1875, or by any enactment applying that section; and every order made by the Local Government Board under this section shall be forthwith laid before Parliament.

(7.) The powers conferred on the Local Government Board by the said section two hundred and seventy-six, or by any enactment applying that section, may be exercised on the application of a county council, or with respect to any parish or part of a parish on the application of the parish council of that parish.

26. Duties and powers of district council as to rights of way, rights of common, and roadside wastes.] (1.) It shall be the duty of every district council to protect all public rights of way, and to prevent as far as possible the stopping or obstruction of any such right of way, whether within their district or in an adjoining district in the county or counties in which the district is situate, where the stoppage or obstruction thereof would in their opinion be prejudicial to the interests of their district, and to prevent any unlawful encroachment on any roadside waste within their district.

(2.) A district council may with the consent of the county council for the county within which any common land is situate aid persons in maintaining rights of common where, in the opinion of the council, the extinction of such rights would be prejudicial to the inhabitants of the district; and may with the like consent exercise in relation to any common within their district all such powers as may, under section eight of the Commons Act, 1876, be exercised by an urban sanitary authority in relation to any common referred to in that section; and notice of any application to the Board of Agriculture in relation to any common within their district shall be served upon the district council.

(3.) A district council may, for the purpose of carrying into effect this section, institute or defend any legal proceedings, and generally take such steps as they deem expedient.

(4.) Where a parish council have represented to the district council that any public right of way within the district or an adjoining district in the county or counties in which the district is situate has been unlawfully stopped or obstructed, or that an unlawful encroachment has taken place on any roadside waste within the district, it shall be the duty of the district council, unless satisfied that the allegations of such representation are incorrect to take proper proceedings accordingly; and if the district council refuse or fail to take any proceedings in consequence of such representation, the parish council may petition the county council for the county within which the way or waste is situate, and if that council so resolve the powers and duties of the district council under this section shall be transferred to the county council.

(5.) Any proceedings or steps taken by a district council or county council in relation to any alleged right of way shall not be deemed to be unauthorised by reason only of such right of way not being found to exist.

(6.) Nothing in this section shall affect the

powers of the county council in relation to roadside wastes.

(7.) Nothing in this section shall prejudice any powers exercisable by an urban sanitary authority at the passing of this Act, and the council of every county borough shall have the additional powers conferred on a district council by this section.

27. Transfer of certain powers of justices to district councils.] (1.) As from the appointed day the powers, duties, and liabilities of justices out of session in relation to any of the matters following, that is to say:—

- (a) the licensing of gang masters;
- (b) the grant of pawnbrokers' certificates;
- (c) the licensing of dealers in game;
- (d) the grant of licences for passage brokers and emigrant runners;
- (e) the abolition of fairs and alteration of days for holding fairs;
- (f) the execution as the local authority of the Acts relating to petroleum and infant life protection;

when arising within a county district, shall be transferred to the district council of the district.

(2.) As from the appointed day, the powers, duties, and liabilities of quarter sessions in relation to the licensing of knackers' yards within a county district shall be transferred to the district council of the district.

(3.) All fees payable in respect of the powers, duties, and liabilities transferred by this section shall be payable to the district council.

28. Expenses of urban district council.] The expenses incurred by the council of an urban district in the execution of the additional powers conferred on the council by this Act shall, subject to the provisions of this Act, be defrayed in a borough out or the borough fund or rate, and in any other case out of the district fund and general district rate or other fund applicable towards defraying the expenses of the execution of the Public Health Act, 1875 [38 & 39 Vict. c. 55].

29. Expenses of rural district council.] The expenses incurred by the council of a rural district shall, subject to the provisions of this Act, be defrayed in manner directed by the Public Health Act, 1875, with respect to expenses incurred in the execution of that Act by a rural sanitary authority, and the provisions of the Public Health Acts with respect to those expenses shall apply accordingly.

Provided as follows:—

- (a.) Any highway expenses shall be defrayed as general expenses;
- (b.) When the Local Government Board determine any expenses under this Act to be special expenses and a separate charge on any contributory place, and such expenses would if not separately chargeable on a contributory place be raised as general expenses, they may further direct that such special expenses shall be raised in like manner as general expenses, and not by such separate rate for special expenses as is mentioned in section two hundred and thirty of the Public Health Act, 1875 [38 & 39 Vict. c. 55].
- (c.) A district council shall have the same power of charging highway expenses under exceptional circumstances on a contributory place as a highway board has in respect of any area under section seven of the Highways and Locomotives (Amendment) Act, 1878 [41 & 42 Vict. c. 77];
- (d.) Where highway expenses would, if this Act had not passed, have been in whole or in part defrayed in any parish or other area out of any property or funds other than rates, the district council shall make such provision as will give to that parish or area the benefit of such property or funds by way of reduction of the rates on the parish or area.

30. Guardians in London and county boroughs.] The provisions of this Part of this Act respecting guardians shall apply to the administrative county of London and to every county borough.

31. Provisions as to London vestries and district boards.] (1.) The provisions of this Act with respect to the qualification of the electors of urban district councillors, and of the persons to be elected,

and with respect to the mode of conducting the election, shall apply as if members of the local board of Woolwich and the vestries elected under the Metropolis Management Acts, 1855 to 1890, or any Act amending those Acts, and the auditors for parishes elected under those Acts, and so far as respects the qualification of persons to be elected as if members of the district boards under the said Acts, were urban district councillors, and no person shall, ex-officio, be chairman of any of the said vestries. Provided that the Elections (Hours of Poll) Act, 1885 [48 Vict. c. 10], shall apply to elections to the said vestries.

(2.) Each of the said vestries, except those electing district boards, and each of the said district boards and the local board of Woolwich, shall at their first meeting after the annual election of members elect a chairman for the year, and section forty-one of the Metropolis Management Act, 1855 [18 & 19 Vict. c. 120], shall apply only in case of the absence of such chairman, and the provisions of this Act with respect to chairmen of urban district councils being justices shall apply as if the said vestries and boards were urban district councils.

(3.) Nothing in any local and personal Act shall prevent any vestry in the county of London from holding their meeting at such time as may be directed by the vestry.

32. Application to county boroughs of provisions as to transfer of justices' powers.] The provisions of this Part of this Act respecting the powers, duties, and liabilities of justices out of session, or of quarter sessions, which are transferred to a district council, shall apply to a county borough as if it were an urban district, and the county borough council were a district council.

33. Power to apply certain provisions of Act to urban districts and London.] (1.) The Local Government Board may, on the application of the council of any municipal borough, including a county borough, or of any other urban district, make an order conferring on that council or some other representative body within the borough or district all or any of the following matters, namely, the appointment of overseers and assistant overseers, the revocation of appointment of assistant overseers, any powers, duties, or liabilities of overseers, and any powers, duties, or liabilities of a parish council, and applying with the necessary modifications the provisions of this Act with reference thereto.

(2.) Where it appears to the Local Government Board that, by reason of the circumstances connected with any parish in a municipal borough (including a county borough) or other urban district divided into wards, or with the parochial charities of that parish, the parish will not, if the majority of the body of trustees administering the charity are appointed by the council of the borough or district, be properly represented on that body, they may, by their order, provide that such of those trustees as are appointed by the council, or some of them, shall be appointed on the nomination of the councillors elected for the ward or wards comprising such parish or any part of the parish.

(3.) Any order under this section may provide for its operation extending either to the whole or to specified parts of the area of the borough or urban district, and may make such provisions as seem necessary for carrying the order into effect.

(4.) The order shall not alter the incidence of any rate, and shall make such provisions as may seem necessary and just for the preservation of the existing interests of paid officers.

(5.) An order under this section may also be made on the application of any representative body within a borough or district.

(6.) The provisions of this section respecting councils of urban districts shall apply to the administrative county of London in like manner as if the district of each sanitary authority in that county were an urban district, and the sanitary authority were the council of that district.

(7.) The Local Government Board shall consult the Charity Commissioners before making any order under this section with respect to any charity.

34. Supplemental provisions as to control of overseers in urban districts.] Where an order of

the Local Government Board under this Act confers on the council of an urban district, or some other representative body within the district, either the appointment of overseers and assistant overseers or the powers, duties, and liabilities of overseers, that order or any subsequent order of the Board may confer on such council or body the powers of the vestry under the third and fourth sections of the Poor Rate Assessment and Collection Act, 1869 [32 & 33 Vict. c. 41].

35. Restrictions on application of Act to London, &c.] Save as specially provided by this Act, this Part of this Act shall not apply to the administrative county of London or to a county borough.

PART III.

AREAS AND BOUNDARIES.

36. Duties and powers of county council with respect to areas and boundaries.] (1.) For the purpose of carrying this Act into effect in the case of—

- (a) every parish and rural sanitary district which at the passing of this Act is situate partly within and partly without an administrative county; and
- (b) every parish which at the passing of this Act is situate partly within and partly without a sanitary district; and
- (c) every rural parish which has a population of less than two hundred; and
- (d) every rural sanitary district which at the passing of this Act has less than five elective guardians capable of acting and voting as members of the rural sanitary authority of the district; and
- (e) every rural parish which is co-extensive with a rural sanitary district;

every county council shall forthwith take into consideration every such case within their county, and whether any proposal has or has not been made as mentioned in section fifty-seven of the Local Government Act, 1888 [51 & 52 Vict. c. 41], shall as soon as practicable, in accordance with that section, cause inquiries to be made and notices given, and make such orders, if any, as they deem most suitable for carrying into effect this Act in accordance with the following provisions, namely:—

- (i.) the whole of each parish, and, unless the county council for special reasons otherwise direct, the whole of each rural district shall be within the same administrative county;
- (ii.) the whole of each parish shall, unless the county council for special reasons otherwise direct, be within the same county district; and
- (iii.) every rural district which will have less than five elected councillors shall, unless for special reasons the county council otherwise direct, be united to some neighbouring districts or districts.

(2.) Where a parish is at the passing of this Act situate in more than one urban district, the parts of the parish in each such district shall, as from the appointed day, unless the county council for special reasons otherwise direct, and subject to any alteration of area made by or in pursuance of this or any other Act, be separate parishes, in like manner as if they had been constituted separate parishes under the Divided Parishes and Poor Law Amendment Act, 1876 [39 & 40 Vict. c. 61], and the Acts amending the same.

(3.) Where a parish is divided by this Act, the county council may by order provide for the application to different parts of that parish of the provisions of this Act with respect to the appointment of trustees or beneficiaries of a charity and for the custody of parish documents, but the order, so far as regards the charity, shall not have any effect until it has received the approval of the Charity Commissioners.

(4.) Where a rural parish is co-extensive with a rural sanitary district, then, until the district is united to some other district or districts, and unless the county council otherwise direct, a separate election of a parish council shall not be held for the parish, but the district council shall, in addition to their own powers, have the powers of, and be deemed to be, the parish council.

(5.) Where an alteration of the boundary of any county or borough seems expedient for any of the

purposes mentioned in this section, application shall be made to the Local Government Board for an order under section fifty-four of the Local Government Act, 1888.

(6.) Where the alteration of a poor law union seems expedient by reason of any of the provisions of this Act, the county council may, by their order, provide for such alteration in accordance with section fifty-eight of the Local Government Act, 1888, or otherwise, but this provision shall not affect the powers of the Local Government Board with respect to the alteration of unions.

(7.) Where an order for the alteration of the boundary of any parish or the division thereof, or the union thereof or of any part thereof, with another parish is proposed to be made after the appointed day, notice thereof shall, a reasonable time before it is made, be given to the parish council of that parish, or if there is no parish council, to the parish meeting, and that parish council or parish meeting, as the case may be, shall have the right to appear at any inquiry held by the county council with reference to the order, and shall be at liberty to petition the Local Government Board against the confirmation of the order.

(8.) Where the alteration of the boundary of any parish, or the division thereof or the union thereof or of part thereof with another parish, seems expedient for any of the purposes of this Act, provision for such alteration, division, or union may be made by an order of the county council confirmed by the Local Government Board under section fifty-seven of the Local Government Act, 1888 [51 & 52 Vict. c. 41].

(9.) Where a parish is by this Act divided into two or more parishes, those parishes shall, until it is otherwise provided, be included in the same poor law union in which the original parish was included.

(10.) Subject to the provisions of this Act, any order made by a county council in pursuance of this Part of this Act shall be deemed to be an order under section fifty-seven of the Local Government Act, 1888, and any board of guardians affected by an order shall have the same right of petitioning against that order as is given by that section to any other authority.

(11.) Where any of the areas referred to in section fifty-seven of the Local Government Act, 1888, is situate in two or more counties, or the alteration of any such area would alter the boundaries of a poor law union situate in two or more counties, a joint committee appointed by the councils of those counties shall, subject to the terms of delegation, be deemed to have and to have always had power to make orders under that section with respect to that area; and where at the passing of this Act a rural sanitary district or parish is situate in more than one county, a joint committee of the councils of those counties shall act under this section, and if any of those councils do not, within two months after request from any other of them, appoint members of such joint committee, the members of the committee actually appointed shall act as the joint committee. Provided that any question arising as to the constitution or procedure of any such joint committee shall, if the county councils concerned fail to agree, be determined by the Local Government Board.

(12.) Every report made by the Boundary Commissioners under the Local Government Boundaries Act, 1887 [50 & 51 Vict. c. 61], shall be laid before the council of any administrative county or borough affected by that report, and before any joint committee of county councils, and it shall be the duty of such councils and joint committees to take such reports into consideration before framing any order under the powers conferred on them under this Act.

(13.) Every county council shall, within two years after the passing of this Act, or within such further period as the Local Government Board may allow either generally or with reference to any particular matter, make such orders under this section as they deem necessary for the purpose of bringing this Act into operation, and after the expiration of the said two years or further period the powers of the county council for that purpose shall be transferred to the Local Government Board, who may exercise those powers.

37. *Provision as to Parishes having parts with defined boundaries.* Where it is proved to the

satisfaction of the county council that any part of a parish has a defined boundary, and has any property or rights distinct from the rest of the parish, the county council may order that the consent of a parish meeting held for that part of the parish shall be required for any such act or class of acts of the parish council affecting the said property or rights as is specified in the order.

38. *Orders for grouping parishes and dissolving groups.* (1.) Where parishes are grouped, the grouping order shall make the necessary provisions for the name of the group, for the parish meetings in each of the grouped parishes, and for the election, in manner provided by this Act, of separate representatives of each parish on the parish council, and may provide for the consent of the parish meeting of a parish to any particular act of the parish council, and for any other adaptations of this Act to the group of parishes, or to the parish meetings in the group.

(2.) Where parishes are grouped the whole area under each parish council shall, unless the county council for special reasons otherwise direct, be within the same administrative county and county district.

(3.) Where parishes are grouped, the grouping order shall provide for the application of the provisions of this Act with respect to the appointment of trustees and beneficiaries of a charity, and the custody of documents, so as to preserve the separate rights of each parish.

(4.) The parish meeting of any parish may apply to the county council for a grouping order respecting that parish, and, if the parish has a less population than two hundred, for a parish council, and any such application shall be forthwith taken into consideration by the county council.

(5.) The county council may, on the application of the council for any group of parishes or of the parish meeting for any parish included in a group of parishes, make an order dissolving the group, and shall by the order make such provision as appears necessary for the election of parish councils of the parishes in the group and for the adjustment of property, rights, and liabilities as between separate parishes and the group.

39. *Provisions for increase and decrease of population.* (1.) Where the population of a parish not having a separate parish council increases so as to justify the election of such council, the parish meeting may petition the county council, and the county council, if they think proper, may order the election of a parish council in that parish, and shall by the order make such provision as appears necessary for separating the parish from any group of parishes in which it is included and for the alteration of the parish council of the group, and for the adjustment of property, rights, and liabilities as between the group and the parish with a separate parish council.

(2.) Where the population of a parish, according to the last published census for the time being, is less than two hundred, the parish meeting may petition the county council, and the county council, if they think proper, may order the dissolution of the parish council, and from and after the date of the order this Act shall apply to that parish as to a parish not having a parish council. The order shall make such provision as appears necessary for carrying it into effect, and for the disposal and adjustment of the property, rights and liabilities of the parish council. Where a petition for such an order is rejected, another petition for the same purpose may not be presented within two years from the presentation of the previous petition.

40. *Certain orders of county council not to require confirmation.* A grouping order, and an order establishing or dissolving a parish council, or dissolving a group of parishes, and an order relating to the custody of parish documents or requiring the approval of the Charity Commissioners, and an order requiring the consent of the parish meeting for any part of the parish to any act or class of acts of the parish council, shall not require submission to or confirmation by the Local Government Board.

41. *Reduction of time for appealing against county council orders.* The time for petitioning against an order under section fifty-seven of the Local Government Act, 1888, shall be six

weeks instead of three months after the notice referred to in subsection three of that section.

42. *Validity of county council orders.* When an order under section fifty-seven of the Local Government Act, 1888, has been confirmed by the Local Government Board, such order shall at the expiration of six months from that confirmation be presumed to have been duly made, and to be within the powers of that section, and no objection to the legality thereof shall be entertained in any legal proceeding whatever.

PART. IV.

SUPPLEMENTAL.

Parish Meetings and Elections.

43. *Removal of disqualification of married women.* For the purposes of this Act a woman shall not be disqualified by marriage for being on any local government register of electors, or for being an elector of any local authority, provided that a husband and wife shall not both be qualified in respect of the same property.

44. *Register of parochial electors.* (1.) The local government register of electors and the parliamentary register of electors, so far as they relate to a parish shall, together, form the register of the parochial electors of the parish; and any person whose name is not in that register shall not be entitled to attend a meeting or vote as a parochial elector, and any person whose name is in that register shall be entitled to attend a meeting and vote as a parochial elector unless prohibited from voting by this or any other Act of Parliament.

(2.) Where the parish is in a parliamentary borough, such portion of the parliamentary register of electors for the county as contains the names of persons registered in respect of the ownership of any property in the parish shall be deemed to form part of the parliamentary register of electors for the parish within the meaning of this section.

(3.) The lists and register of electors in any parish shall be framed in parts for wards of urban districts and parishes in such manner that they may be conveniently used as lists for polling at elections for and such wards.

(4.) Nothing in any Act shall prevent a person, if duly qualified, from being registered in more than one register of parochial electors.

(5.) Where in that portion of the parliamentary register of electors which relates to a parish a person is entered to vote in a polling district other than the district comprising the parish, such person shall be entitled to vote as a parochial elector for that parish, and in addition to an asterisk there shall be placed against his name a number consecutive with the other numbers in the list.

(6.) Where the revising barrister in any list of voters for a parish would—

(a) In pursuance of section seven of the County Electors Act, 1885 (51 Vict. c. 10), place an asterisk or other mark against the name of an person; or

(b) In pursuance of section four of the Registration Act, 1885, erase the name of any person otherwise than by reason of that name appearing more than once in the list for the same parish; or

(c) In pursuance of section twenty-eight of the Parliamentary and Municipal Registration Act, 1878 [41 & 42 Vict. c. 26], as amended by section five of the Registration Act, 1885 [48 & 49 Vict. c. 15], place against the name of a person a note to the effect that such person is not entitled to vote in respect of the qualification contained in the list,

the revising barrister shall, instead of placing that mark or note, or erasing the name, place against the name, if the person is entitled to vote in respect of that entry as a county elector or burgess, a mark signifying that his name should be printed in division three of the list, or if he is entitled to vote only as a parochial elector, a mark signifying that he is entitled to be registered as a parochial elector, and the name so marked shall not be printed in the parliamentary register of electors, but shall be printed as the case requires, either in division three of the local government register of electors, or in a separate list of parochial electors.

(7.) Where the name of a person is entered both in the ownership list and in the occupation list of voters in the same parish, and the revising barrister places against that name a mark or note signifying that the name should be printed in division three of the lists, an asterisk or other mark shall be there printed against the name, and such person shall not be entitled to vote as a parochial elector in respect of that entry.

(8.) Such separate list shall form part of the register of parochial electors of the parish, and shall be printed at the end of the other lists of electors for the parish, and the names shall be numbered consecutively with the other names on those lists, and the law relating to the register of electors shall, with the necessary modifications, apply accordingly, and the lists shall, for the purposes of this Act, be deemed to be part of such register.

(9.) Any person may claim for the purpose of having his name entered in the parochial electors list, and the law relating to claims to be entered in lists of voters shall apply.

(10.) The clerk of the county council or town clerk, as the case may be, shall, in printing the lists returned to him by the revising barrister, do everything that is necessary for carrying into effect the provisions of this section with respect to the persons whose names are marked by the revising barrister in pursuance of this section.

45. Supplemental provisions as to parish meetings. (1.) Subject to the provisions of this Act, parish meetings shall be held on such days and at such times and places as may be fixed by the parish council, or, if there is no parish council, by the chairman of the parish meeting.

(2.) If the chairman of the parish council is present at a parish meeting and is not a candidate for election at the meeting, he shall, save as otherwise provided by this Act, be the chairman of the meeting.

(3.) The chairman of the parish council, or any two parish councillors, or the chairman of the parish meeting, or any six parochial electors, may at any time convene a parish meeting.

46. Disqualifications for parish or district councils. (1.) A person shall be disqualified for being elected or being a member or chairman of a council of a parish or of a district other than a borough or of a board of guardians if he—

- (a) is an infant or an alien; or
- (b) has, within twelve months before his election or since his election, received union or parochial relief; or
- (c) has, within five years before his election or since his election, been convicted either on indictment or summarily of any crime, and sentenced to imprisonment with hard labour without the option of a fine, or to any greater punishment, and has not received a free pardon, or has, within or during the time aforesaid, been adjudged bankrupt, or made a composition or arrangement with his creditors; or
- (d) holds any paid office under the parish council or district council or board of guardians, as the case may be; or
- (e) is concerned in any bargain or contract entered into with the council or board, or participates in the profit of any such bargain or contract or of any work done under the authority of the council or board.

(2.) Provided that a person shall not be disqualified for being elected or being a member or chairman of any such council or board by reason of being interested—

- (a) in the sale or lease of any lands or in any loan of money to the council or board, or in any contract with the council for the supply from land, of which he is owner or occupier, of stone, gravel, or other materials for making or repairing highways or bridges, or in the transport of materials for the repair of roads or bridges in his own immediate neighbourhood; or
- (b) in any newspaper in which any advertisement relating to the affairs of the council or board is inserted; or

(c) in any contract with the council or board as a shareholder in any joint stock company; but he shall not vote at any meeting of the council or board on any question in which such company are interested, except that in the case of a water company or other company established for the carrying on of works of a like public nature, this prohibition may be dispensed with by the county council.

(3.) Where a person who is a parish councillor, or is a candidate for election as a parish councillor, is concerned in any such bargain or contract, or participates in any such profit, as would disqualify him for being a parish councillor, the disqualification may be removed by the county council if they are of opinion that such removal will be beneficial to the parish.

(4.) Where a person is disqualified by being adjudged bankrupt or making a composition or arrangement with his creditors, the disqualification shall cease, in case of bankruptcy, when the adjudication is annulled, or when he obtains his discharge with a certificate that his bankruptcy was caused by misfortune without any misconduct on his part, and, in case of composition or arrangement, on payment of his debts in full.

(5.) A person disqualified for being a guardian shall also be disqualified for being a rural district councillor.

(6.) If a member of a council of a parish or of a district other than a borough, or of a board of guardians, is absent from meetings of the council or board for more than six months consecutively, except in case of illness or for some reason approved by the council or board, his office shall on the expiration of those months become vacant.

(7.) Where a member of a council or board of guardians becomes disqualified for holding office, or vacates his seat for absence, the council or board shall forthwith declare the office to be vacant, and signify the same by notice signed by three members and countersigned by the clerk of the council or board, and notified in such manner as the council or board direct, and the office shall thereupon become vacant.

(8.) If any person acts when disqualified, or votes when prohibited under this section, he shall for each offence be liable on summary conviction to a fine not exceeding twenty pounds.

(9.) This section shall apply in the case of any authority whose members are elected in accordance with this Act in like manner as if that authority were a district council, and in the case of London auditors as if they were members of a district council.

47. Supplemental provisions as to parish councils

(1.) If at the annual election of parish councillors any vacancies are not filled by election, such number of the retiring councillors as are not re-elected and are required to fill the vacancies shall, if willing, continue to hold office. The councillors so to continue shall be those who were highest on the poll at the previous election, or if the numbers were equal or there was no poll, as may be determined by the parish meeting, or if not so determined, by the chairman of the parish council.

(2.) A retiring parish councillor or chairman of a parish council or parish meeting shall be re-eligible.

(3.) A parish councillor may, by notice in writing to the chairman of the council, resign his office, and a chairman of a parish council or parish meeting may resign his chairmanship by notice in writing to the council or meeting.

(4.) A casual vacancy among parish councillors or in the office of chairman of the council shall be filled by the parish council, and where there is no parish council a casual vacancy in the office of chairman of the parish meeting shall be filled by the parish meeting, and the person elected shall retire from office at the time when the vacating councillor or chairman would have retired.

(5.) If any parish council become unable to act by reason of a want of councillors, whether from failure to elect or otherwise, the county council may order a new election, and may by order make such provision as seems expedient for authorizing any person to act temporarily in the place of the parish council and of the chairman thereof.

48. Supplemental provisions as to elections, polls, and tenure of office. (1.) The election of a parish councillor shall be at a parish meeting, or at a poll consequent thereon.

(2.) Rules framed under this Act by the Local Government Board in relation to elections shall, notwithstanding anything in any other Act, have effect as if enacted in this Act, and shall provide, amongst other things—

- (i.) for every candidate being nominated in writing by two parochial electors as proposer and seconder and no more;
- (ii.) for preventing an elector at an election for a union or for a district not a borough from subscribing a nomination paper or voting in more than one parish or other area in the union or district;
- (iii.) for preventing an elector at an election for a parish divided into parish wards from subscribing a nomination paper or voting for more than one ward;
- (iv.) for fixing or enabling the county council to fix the day of the poll and the hours during which the poll is to be kept open, so, however, that the poll shall always be open between the hours of six and eight in the evening;
- (v.) for the polls at elections held at the same date and in the same area being taken together, except where this is impracticable;
- (vi.) for the appointment of returning officers for the elections.

(3.) At every election regulated by rules framed under this Act, the poll shall be taken by ballot, and the Municipal Elections (Corrupt and Illegal Practices) Act, 1884 [47 & 48 Vict. c. 70], and sections seventy-four and seventy-five and Part IV. of the Municipal Corporations Act, 1882 [45 & 46 Vict. c. 50], as amended by the last-mentioned Act (including the penal provisions of those Acts) shall, subject to adaptations, alterations, and exceptions made by such rules, apply in like manner as in the case of a municipal election. Provided that—

(a) section six of the Ballot Act, 1872, shall apply in the case of such elections, and the returning officer may, in addition to using the schools and public rooms therein referred to free of charge, for taking the poll, use the same, free of charge, for hearing objections to nomination papers and for counting votes; and

(b) section thirty-seven of the Municipal Elections (Corrupt and Illegal Practices) Act, 1884, shall apply as if the election were an election mentioned in the First Schedule to that Act.

(4.) The provisions of the Municipal Corporations Act, 1883, and the enactments amending the same, with respect to the expenses of elections of councillors of a borough, and to the acceptance of office, resignation, re-eligibility of holders of office, and the filling of casual vacancies, and section fifty-six of that Act, shall, subject to the adaptations, alterations, and exceptions made by the said rules, apply in the case of guardians and of district councillors of a county district not a borough, and of members of the local board of Woolwich, and of a vestry under the Metropolitan Management Act, 1855 to 1890, and any Act amending the same. Provided that—

(a) the provisions as to resignation shall not apply to guardians, and district councillors of a rural district shall be in the same position with respect to resignation as members of a board of guardians; and

(b) nothing in the enactments applied by this section shall authorize or require a returning officer to hold an election to fill a casual vacancy which occurs within six months before the ordinary day of retirement from the office in which the vacancy occurs, and the vacancy shall be filled at the next ordinary election; and

(c) the rules may provide for the incidence of the charge for the expenses of the elections of guardians being the same as heretofore.

(5.) If any difficulty arises as respects the election of any individual councillor or guardian, or

member of any such local board or vestry as aforesaid, or auditor, and there is no provision for holding another election, the county council may order a new election to be held and give such directions as may be necessary for the purpose of holding the election.

(6.) Any ballot boxes, fittings, and compartments provided by or belonging to any public authority, for any election (whether parliamentary, county council, municipal, school board, or other), shall, on request, and if not required for immediate use by the said authority, be lent to the returning officer for an election under this Act, upon such conditions and either free of charge or, except in the prescribed cases, for such reasonable charge as may be prescribed.

(7.) The expenses of any election under this Act shall not exceed the scale fixed by the county council, and if at the beginning of one month before the first election under this Act a county council have not framed any such scale for their county, the Local Government Board may frame a scale for the county, and the scale so framed shall apply to the first election, and shall have effect as if it had been made by the county council, but shall not be alterable until after the first election.

(8.) This section shall, subject to any adaptations made by the said rules, apply in the case of every poll consequent on a parish meeting, as if it were a poll for the election of parish councillors.

49. *Provision as to parish meeting for part of parish.* Where a parish meeting is required or authorized in pursuance of this Act to be held for a ward or other part of a parish, then—

(a.) the persons entitled to attend and vote at the meeting, or at any poll consequent thereon, shall be the parochial electors registered in respect of qualifications in that ward or part; and

(b.) the provisions of this Act with respect to parish meetings for the whole of a parish, including the provisions with respect to the convening of a parish meeting by parochial electors, shall apply as if the ward or part were the whole parish.

50. *Supplemental provisions as to overseers.* If, in the case of a rural parish or of any urban parish in respect to which the power of appointing overseers has been transferred under this Act, notice in the prescribed form of the appointment of overseers is not received by the guardians of the poor law union comprising the parish within three weeks after the fifteenth day of April, or after the occurrence of a vacancy in the office of overseer, as the case may be, the guardians shall make the appointment or fill the vacancy, and any overseer appointed by the guardians shall supersede any overseer previously appointed whose appointment has not been notified. Any such notice shall be admissible as evidence that the appointment has been duly made.

Parish and District Councils.

51. *Public notices.* A public notice given by a parish council for the purposes of this Act, or otherwise for the execution of their duties, and a public notice of a parish meeting, shall be given in the manner required for giving notice of vestry meetings, and by posting the notice in some conspicuous place or places within the parish, and in such other manner (if any) as appears to the council or to the persons convening the meeting desirable for giving publicity to the notice.

52. (1.) *Supplemental provisions as to transfer of powers.* Any power which may be exercised and any consent which may be given by the owners and ratepayers of a parish or by the majority of them under any of the Acts relating to the relief of the poor or under the School Sites Acts or the Literary and Scientific Institutions Act, 1854 [17 & 18 Vict. c. 112], so far as respects the dealing with parish property or the spending of money or raising of a rate may, in the case of a rural parish, be exercised or given by the parish meeting of the parish.

(2.) In a rural parish the power of making an application or passing a resolution given by section twelve of the Elementary Education Act, 1876 [39 & 40 Vict. c. 75], and by section forty-one of the Elementary Education Act, 1876

[39 & 40 Vict. c. 79], to the electing body mentioned in the former section shall be transferred to the parish meeting of the parish, and shall in cases under the latter section be exercisable by the like majority of the parish meeting, and, if a poll is taken, of the parochial electors, as is required by that section in the case of the said electing body, and rule 2 of the Second Part of the Second Schedule to the former Act with respect to the passing of such resolutions shall not apply.

(3.) The consent of justices shall not be required for the sale of land belonging to a parish which has been used for materials for the repair of highways or for the purchase of land with the proceeds of any such sale.

(4.) Where the legal estate in any property is vested in the churchwardens and overseers of any parish by virtue of the Poor Relief Act, 1819 [59 Geo. 3, c. 12], nothing in the Charitable Trusts Acts, 1853 to 1891, shall be deemed to require the consent of such churchwardens and overseers in their capacity as a corporation under that Act, or of the parish council as their successors, to a vesting order under those Acts dealing with the said legal estate. Provided that nothing in this section shall affect any rights, powers, or duties of the churchwardens and overseers or the parish council, in cases where they have active powers of management.

(5.) All enactments in any Act, whether general or local and personal, relating to any powers, duties, or liabilities transferred by this Act to a parish council or parish meeting from justices or the vestry or overseers or churchwardens and overseers shall, subject to the provisions of this Act and so far as circumstances admit, be construed as if any reference therein to justices or to the vestry, or to the overseers, or to the churchwardens and overseers, referred to the parish council or parish meeting as the case requires, and the said enactments shall be construed with such modifications as may be necessary for carrying this Act into effect.

53. Supplemental provisions as to adoptive Acts.

(1.) Where on the appointed day any of the adoptive Acts is in force in a part only of a rural parish, the existing authority under the Act, or the parish meeting for that part, may transfer the powers, duties, and liabilities of the authority to the parish council, subject to any conditions with respect to the execution thereof by means of a committee as to the authority or parish meeting may seem fit, and any such conditions may be altered by any such parish meeting.

(2.) If the area on the appointed day under any authority under any of the adoptive Acts will not after that day be comprised within one rural parish, the powers and duties of the authority shall be transferred to the parish councils of the rural parishes wholly or partly comprised in that area, or, if the area is partly comprised in an urban district, to those parish councils and the district council of the urban district, and shall, until other provision is made in pursuance of this Act, be exercised by a joint committee appointed by those councils. Where any such rural parish has not a parish council the parish meeting shall, for the purposes of this provision, be substituted for the parish council.

(3.) The property, debts, and liabilities of any authority under any of the adoptive Acts whose powers are transferred in pursuance of this Act shall continue to be the property, debts, and liabilities of the area of that authority, and the proceeds of the property shall be credited, and the debts and liabilities and the expenses incurred in respect of the said powers, duties, and liabilities, shall be charged to the account of the rates or contributions levied in that area, and where that area is situated in more than one parish the sums credited to and paid by each parish shall be apportioned in such manner as to give effect to this enactment.

(4.) The county council, on the application of a parish council, may, by order, alter the boundaries of any such area if they consider that the alteration can properly be made without any undue alteration of the incidence of liability to rates and contributions or of the right to property belonging to the area, regard being had to any corresponding ad-

vantage to persons subject to the liability or entitled to the right.

54. *Effect on parish council of constitution of urban district.* (1.) Where a new borough is created, or any other new urban district is constituted, or the area of an urban district is extended, then—

(a.) as respects any rural parish or part of a rural parish which will be comprised in the borough or urban district, provision shall be made, either by the constitution of a new parish or by the annexation of the parish or parts thereof to another parish or parishes, or otherwise, for the appointment of overseers and for placing the parish or part in the same position as other parishes in the borough or district, and

(b.) as respects any parish or part which remains rural, provision shall be made for the constitution of a new parish council for the same, or for the annexation of the parish or part to some other parish or parishes, or otherwise, for the government of the parish or part, and

(c.) provision shall also, where necessary, be made for the adjustment of any property, debts, and liabilities affected by the said creation, constitution, or extension.

(2.) The provision aforesaid shall be made—

(a.) Where a new borough is created, by a scheme under section two hundred and thirteen of the Municipal Corporations Act, 1882 [45 & 46 Vict. c. 50];

(b.) Where any other new urban district is constituted, by an order of the county council under section fifty-seven of the Local Government Act, 1888 [51 & 52 Vict. c. 41];

(c.) Where the area of an urban district is extended, by an order of the Local Government Board under section fifty-four, or of the county council under section fifty-seven, as the case may be, of the Local Government Act, 1888.

(3.) Where the area of an urban district is diminished this section shall apply with the necessary modifications.

55. Power to change name of district or parish.

(1.) Where a parish is divided or united or grouped with another parish by an order in pursuance of this Act each new parish or group so formed shall bear such name as the order directs.

(2.) Where a parish is divided by this Act, each parish so formed shall bear such name as the county council direct.

(3.) Any district council may, with the sanction of the county council, change their name and the name of their district.

(4.) Every change of name made in pursuance of this section shall be published in such manner as the authority authorizing the change may direct, and shall be notified to the Local Government Board.

(5.) Any such change of name shall not affect any rights or obligations of any parish, district, council, authority, or person, or render defective any legal proceedings, and any legal proceedings may be continued or commenced as if there were no change of name.

56. *Committees of parish or district councils.* (1.) A parish or district council may appoint committees, consisting either wholly or partly of members of the council, for the exercise of any powers which, in the opinion of the council, can be properly exercised by committees, but a committee shall not hold office beyond the next annual meeting of the council, and the acts of every such committee shall be submitted to the council for their approval.

Provided that where a committee is appointed by any district council for any of the purposes of the Public Health Acts or Highway Acts, the council may authorize the committee to institute any proceeding or do any act which the council might have instituted or done for that purpose other than the raising of any loan or the making of any rate or contract.

(2.) Where a parish council have any powers and duties which are to be exercised in a part only of the parish, or in relation to a recreation ground,

building, or property held for the benefit of a part of a parish, and the part has a defined boundary, the parish council shall, if required by a parish meeting held for that part, appoint annually to exercise such powers and duties a committee consisting partly of members of the council and partly of other persons representing the said part of the parish.

(3.) With respect to committees of parish and district councils the provisions in the First Schedule to this Act shall have effect.

(4.) This section shall not apply to the council of a borough.

57. Joint committees.] (1.) A parish or district council may concur with any other parish or district council or councils in appointing out of their respective bodies a joint committee for any purpose in respect of which they are jointly interested, and in conferring, with or without conditions or restrictions, on any such committee any powers which the appointing council might exercise if the purpose related exclusively to their own parish or district.

(2.) Provided that a council shall not delegate to any such committee any power to borrow money or make any rate.

(3.) A joint committee appointed under this section shall not hold office beyond the expiration of fourteen days after the next annual meeting of any of the councils who appointed it.

(4.) The costs of a joint committee under this section shall be defrayed by the councils by whom it is appointed in such proportions as they may agree upon, or as may be determined in case of difference by the county council.

(5.) Where a parish council can under this Act be required to appoint a committee consisting partly of members of the council and partly of other persons, that requirement may also be made in the case of a joint committee, and shall be duly complied with by the parish councils concerned at the time of the appointment of such committee.

58. Audit of accounts of district and parish councils and inspection.] (1.) The accounts of the receipts and payments of parish and district councils, and of parish meetings for parishes not having parish councils, and their committees and officers, shall be made up yearly to the thirty-first day of March, or in the case of accounts which are required to be audited half-yearly, then half-yearly to the thirtieth day of September and the thirty-first day of March in each year, and in such form as the Local Government Board prescribe.

(2.) The said accounts shall, except in the case of accounts audited by the auditors of a borough (but inclusive of the accounts of a joint committee appointed by a borough council with another council not being a borough council), be audited by a district auditor, and the enactments relating to audit by district auditors of accounts of urban sanitary authorities and their officers, and to all matters incidental thereto and consequential thereon, shall apply accordingly, except that in the case of the accounts of rural district councils, their committees and officers, the audit shall be half-yearly instead of yearly.

(3.) The Local Government Board may, with respect to any audit to which this section applies, make rules modifying the enactments as to publication of notice of the audit and of the abstract of accounts and the report of the auditor.

(4.) Every parochial elector of a rural parish may, at all reasonable times, without payment, inspect and take copies of and extracts from all books, accounts, and documents belonging to or under the control of the parish council of the parish or parish meeting.

(5.) Every parochial elector of a parish in a rural district may, at all reasonable times, without payment, inspect and take copies of and extracts from all books, accounts, and documents belonging to or under the control of the district council of the district.

59. Supplemental provisions as to district councils.]

(1.) Section one hundred and ninety-nine and Schedule I. of the Public Health Act, 1875, [38 & 39 Vict. c. 55], so far as that schedule is unrepealed (which relate to the meetings of urban

authorities, and to the meetings and proceedings of local boards), shall apply in the case of every urban district council other than a borough council and of every rural district council and board of guardians, as if such district council or board were a local board, except that the chairman of the council or board may be elected from outside the councillors or guardians.

(2.) Any urban district council other than a borough council, and any rural district council and board of guardians may, if they think fit, appoint a vice-chairman to hold office during the term of office of the chairman, and the vice-chairman shall, in the absence or during the inability of the chairman, have the powers and authority of the chairman.

(3.) Any rural district council shall be entitled to use for the purpose of their meetings and proceedings the board room and offices of any board of guardians for the union comprising their district at all reasonable hours, and if any question arises as to what hours are reasonable it may be determined by the Local Government Board.

(4.) Nothing in this section shall affect any powers of the Local Government Board with respect to the proceedings of guardians.

(5.) If any district council, other than a borough council, become unable to act, whether from failure to elect or otherwise, the county council of the county in which the district is situate may order elections to be held and may appoint persons to form the district council until the newly elected members come into office.

(6.) Nothing in this Act shall affect any powers of the Secretary of State under the Public Health Supplemental Act for Aldershot, 1857 [20 & 21 Vict. c. 22], or the position of persons nominated under those powers.

Miscellaneous.

60. Supplemental provisions as to guardians.] (1.) The council of each county may, from time to time, by order, fix or alter the number of guardians or rural district councillors to be elected for each parish within their county, and for those purposes may exercise powers of adding parishes to each other and dividing parishes into wards, similar to those which by the Acts relating to the relief of the poor are, for the purpose of the election of guardians, vested in the Local Government Board.

(2.) The council of each county may for the purpose of regulating the retirement of guardians or rural district councillors, in cases where they retire by thirds, and in order that as nearly as may be one third of the persons elected as guardians for the union, and one third of the persons elected as rural district councillors for the district, shall retire in each year, direct in which year or years of each triennial period the guardians or district councillors for each parish, ward, or other area in the union or rural district shall retire.

(3.) Where a poor law union is situate in more than one county, the power under this section of fixing or altering the number of guardians or rural district councillors, and of regulating the retirement of guardians and of district councillors, shall be exercised by a joint committee of the councils of the counties concerned, but if any of those councils do not, within two months after request from any other of them, appoint members of such joint committee, the members of the committee actually appointed shall act as the joint committee.

Provided that if any order under this sub-section is, within six weeks after the making thereof, objected to by any of the county councils concerned, or by any committee of any of those councils authorized in that behalf, it shall be of no effect until confirmed by the Local Government Board.

(4.) Where under any local and personal Act guardians of a poor law union are elected for districts, whether called by that name or not, the provisions of this Act with respect to the election of guardians shall apply as if each of the districts were a parish.

(5.) The board of guardians of a union elected in pursuance of this Act shall, save as otherwise provided by an order of the Local Government Board, made on the application of those guardians,

have the same powers and duties under any local and personal Act as the existing board of guardians.

(6.) Nothing in this Act shall alter the constitution of the corporation of the guardians of the poor within the city of Oxford, or the election or qualification of the members thereof, except those members who are elected by the ratepayers of parishes.

61. Place of meeting of parish or district council or board of guardians.] No parish meeting or meeting of a parish council, or of a district council, or of a board of guardians shall be held in premises licensed for the sale of intoxicating liquor, except in cases where no other suitable room is available for such meeting either free of charge or at a reasonable cost.

62. Permissive transfer to urban district council of powers of other authorities.] (1.) Where there is in any urban district, or part of an urban district, any authority constituted under any of the adoptive Acts, the council of that district may resolve that the powers, duties, property, debts, and liabilities of that authority shall be transferred to the council as from the date specified in the resolution, and upon that date the same shall be transferred accordingly, and the authority shall cease to exist, and the council shall be the successors of that authority.

(2.) After the appointed day any of the adoptive Acts shall not be adopted for any part of an urban district without the approval of the council of that district.

63. Provisions as to county council acquiring powers of district council.] (1.) Where the powers of a district council are by virtue of a resolution under this Act transferred to a county council, the following provisions shall have effect:—

(a.) Notice of the resolution of the county council by virtue of which the transfer is made shall be forthwith sent to the district council and to the Local Government Board:

(b.) The expenses incurred by the county council shall be a debt from the district council to the county council, and shall be defrayed as part of the expenses of the district council in the execution of the Public Health Acts, and the district council shall have the like power of raising the money as for the defraying of those expenses:

(c.) The county council for the purpose of the powers transferred may on behalf of the district council borrow subject to the like conditions, in the like manner, and on the security of the like fund or rate, as the district council might have borrowed for the purpose of those powers:

(d.) The county council may charge the said fund or rate with the payment of the principal and interest of the loan, and the loan with the interest thereon shall be paid by the district council in like manner, and the charge shall have the like effect, as if the loan were lawfully raised and charged on that fund or rate by the district council:

(e.) The county council shall keep separate accounts of all receipts and expenditure in respect of the said powers:

(f.) The county council may by order vest in the district council all or any of the powers, duties, property, debts, and liabilities of the county council in relation to any of the said powers, and the property, debts, and liabilities so vested shall be deemed to have been acquired or incurred by the district council for the purpose of those powers.

(2.) Where a rural district is situate in two or more counties a parish council complaining under this Act may complain to the county council of the county in which the parish is situate, and if the subject-matter of the complaint affects any other county the complaint shall be referred to a joint committee of the councils of the counties concerned, and any question arising as to the constitution of such joint committee shall be determined by the Local Government Board, and if any members of the joint committee are not appointed the members who are actually appointed shall act on the joint committee.

64. Power to act through district council.] A county council may employ a district council as their agents in the transaction of any administrative business on matters arising in, or affecting the interests of, its own district.

65. Saving for harbour powers.] Where any improvement commission affected by this Act have any powers, duties, property, debts, or liabilities in respect of any harbour, the improvement commission shall continue to exist and be elected for the purpose thereof, and shall continue as a separate body, as if this Act had not passed, and the property, debts, and liabilities shall be apportioned between the district council for the district and the commission so continuing, and the adjustment arising out of the apportionment shall be determined in manner provided by this Act.

66. Saving for elementary schools.] Nothing in this Act shall affect the trusteeship, management, or control of any elementary school.

67. Transfer of property and debts and liabilities.] Where any powers and duties are transferred by this Act from one authority to another authority—

- (1.) All property held by the first authority for the purpose or by virtue of such powers and duties shall pass to and vest in the other authority, subject to all debts and liabilities affecting the same; and
- (2.) The latter authority shall hold the same for the estate, interest, and purposes, and subject to the covenants, conditions, and restrictions for and subject to which the property would have been held if this Act had not passed, so far as the same are not modified by or in pursuance of this Act; and
- (3.) All debts and liabilities of the first authority incurred by virtue of such powers and duties shall become debts and liabilities of the latter authority, and be defrayed out of the like property and funds out of which they would have been defrayed if this Act had not passed.

68. Adjustment of property and liabilities.] (1.) Where any adjustment is required for the purpose of this Act, or of any order, or thing made or done under this Act, then, if the adjustment is not otherwise made, the authorities interested may make agreements for the purpose, and may thereby adjust any property, income, debts, liabilities, and expenses, so far as affected by this Act, or such scheme, order, or thing, of the parties to the agreement.

(2.) The agreement may provide for the transfer or retention of any property, debts, or liabilities, with or without any conditions, and for the joint use of any property, and for payment by either party to the agreement in respect of property, debts, and liabilities so transferred or retained, or of such joint user, and in respect of the salary or remuneration of any officer or person, and that either by way of an annual payment or, except in the case of a salary or remuneration, by way of a capital sum, or of a terminable annuity for a period not exceeding that allowed by the Local Government Board: Provided that where any of the authorities interested is a board of guardians, any such agreement, so far as it relates to the joint use of any property, shall be subject to the approval of the Local Government Board.

(3.) In default of an agreement, and as far as any such agreement does not extend, such adjustment shall be referred to arbitration in accordance with the Arbitration Act, 1889 [52 & 53 Vict. c. 49], and the arbitrator shall have power to disallow as costs in the arbitration the costs of any witness whom he considers to have been called unnecessarily, and any other costs which he considers to have been incurred unnecessarily, and his award may provide for any matter for which an agreement might have provided.

(4.) Any sum required to be paid by any authority for the purpose of adjustment may be paid as part of the general expenses of exercising their duties under this Act, or out of such special fund as the authority, with the approval of the Local Government Board, direct, and if it is a capital sum the payment thereof shall be a purpose for which the authority may borrow under the

Acts relating to such authority, on the security of all or any of the funds, rates, and revenues of the authority, and any such sum may be borrowed without the consent of any authority, so that it be repaid within such period as the Local Government Board may sanction.

(5.) Any capital sum paid to any authority for the purpose of any adjustment under this Act shall be treated as capital, and applied, with the sanction of the Local Government Board, either in the repayment of debt or for any other purpose for which capital money may be applied.

69. Power to deal with matters arising out of alteration of boundaries.] Where an alteration of any area is made by this Act, an order for any of the matters mentioned in section fifty-nine of the Local Government Act, 1888, may, if it appears to the county council desirable, be made by the county council, or, in the case of an area situate in more than one county, by a joint committee of county councils, but nothing in this section shall empower a county council or joint committee to alter the boundaries of a county.

70. Summary proceeding for determination of questions as to transfer of powers.] (1.) If any question arises, or is about to arise, as to whether any power, duty, or liability is or is not transferred by or under this Act to any parish council, parish meeting, or district council, or any property is or is not vested in the parish council, or in the chairman and overseers of a rural parish, or in a district council, that question, without prejudice to any other mode of trying it, may, on the application of the council, meeting, or other local authority concerned, be submitted for decision to the High Court in such summary manner as, subject to any rules of court, may be directed by the Court; and the Court, after hearing such parties and taking such evidence (if any) as it thinks just, shall decide the question.

(2.) If any question arises or is about to arise under this Act as to the appointment of the trustees or beneficiaries of any charity, or as to the persons in whom the property of any charity is vested, such question shall, at the request of any trustee, beneficiary, or other person interested, be determined in the first instance by the Charity Commissioners, subject to an appeal to the High Court brought within three months after such determination. Provided that an appeal to the High Court of Justice from any determination of the Charity Commissioners under this section may be presented only under the same conditions as are prescribed in the case of appeals to the High Court from orders made by the Charity Commissioners under the Charitable Trusts Acts, 1853 to 1891.

(3.) An appeal shall, with the leave of the High Court or Court of Appeal, but not otherwise, lie to the Court of Appeal against any decision under this section.

71. Supplemental provisions as to county council orders.] A copy of every order made by a county council or joint committee in pursuance of this Act shall be sent to the Local Government Board, and, if it alters any local area or name, also to the Board of Agriculture.

72. Provisions as to local inquiries.] (1.) The expenses incurred by the Local Government Board in respect of inquiries or other proceedings under this Act shall be paid by such authorities and persons and out of such funds and rates as the Board may by order direct, and the Board may certify the amount of the expenses so incurred, and any sum so certified and directed by the Board to be paid by any authority or person shall be a debt from that authority or person to the Crown.

(2.) Such expenses may include the salary of any inspector or officer of the Board engaged in the inquiry or proceeding, not exceeding three guineas a day.

(3.) The Local Government Board and their inspectors shall have, for the purposes of an inquiry in pursuance of this Act, the same powers as they respectively have for the purpose of an inquiry under the Public Health Act, 1875.

(4.) Where a county council hold a local inquiry under this Act or under the Local Government Act, 1888, on the application of the council of a parish

or district, or of any inhabitants of a parish or district, the expenses incurred by the county council in relation to the inquiry (including the expenses of any committee or person authorized by the county council) shall be paid by the council of that parish or district, or, in the case of a parish which has not a parish council, by the parish meeting; but, save as aforesaid, the expenses of the county council incurred in the case of inquiries under this Act shall be paid out of the county fund.

73. Provision as to Sundays and bank holidays.] When the day on which any thing is required by or in pursuance of this Act to be done is Sunday, Christmas Day, or Good Friday, or a bank holiday, that thing shall be done on the next following day, not being one of the days above mentioned.

74. Provisions as to Scilly Islands.] This Act shall be deemed to be an Act touching local government within the meaning of section forty-nine of the Local Government Act, 1888 [51 & 52 Vict. c. 41], and a provisional order for the Scilly Islands may, on the application of the council of the Isles of Scilly, and after such public notice as appears to the Local Government Board sufficient for giving information to all persons interested, be made accordingly.

75. Construction of Act.] (1.) The definition of "parish" in section one hundred of the Local Government Act, 1888 [51 & 52 Vict. c. 41], shall not apply to this Act, but, save as aforesaid, expressions used in this Act shall, unless the context otherwise requires, have the same meaning as in the said Act.

(2.) In this Act, unless the context otherwise requires—

Any reference to population means the population according to the census of one thousand eight hundred and ninety-one.

The expression "parochial elector," when used with reference to a parish in an urban district, or in the county of London or any county borough, means any person who would be a parochial elector of the parish if it were a rural parish.

The expression "election" includes both the nomination and the poll.

The expression "trustees" includes persons administering or managing any charity or recreation ground, or other property or thing in relation to which the word is used.

The expression "ecclesiastical charity" includes a charity, the endowment whereof is held for some one or more of the following purposes:—

- (a) for any spiritual purpose which is a legal purpose; or
- (b) for the benefit of any spiritual person or ecclesiastical officer as such; or
- (c) for use, if a building, as a church, chapel, mission room, or Sunday school, or otherwise by any particular church or denomination; or
- (d) for the maintenance, repair, or improvement of any such building as aforesaid, or for the maintenance of divine service therein; or
- (e) otherwise for the benefit of any particular church or denomination, or of any members thereof as such.

Provided that where any endowment of a charity, other than a building held for any of the purposes aforesaid, is held in part only for some of the purposes aforesaid, the charity, so far as that endowment is concerned, shall be an ecclesiastical charity within the meaning of this Act; and the Charity Commissioners shall, on application by any person interested, make such provision for the apportionment and management of that endowment as seems to them necessary or expedient for giving effect to this Act.

The expression shall also include any building which in the opinion of the Charity Commissioners has been erected or provided within forty years before the passing of this Act mainly by or at the cost of members of any particular church or denomination.

The expression "affairs of the church" shall include the distribution of offertories or other collections made in any church.

The expression "parochial charity" means a charity the benefits of which are or the separate distribution of the benefits of which is confined to inhabitants of a single parish, or of a single ancient ecclesiastical parish divided into two or more parishes, or of not more than five neighbouring parishes.

The expression "vestry" in relation to a parish means the inhabitants of the parish whether in vestry assembled or not, and includes any select vestry either by statute or at common law.

The expression "rateable value" means the rateable value stated in the valuation list in force, or, if there is no such list, in the last poor rate.

The expression "county" includes a county borough, and the expression "county council" includes the council of a county borough.

The expression "elementary school" means an elementary school within the meaning of the Elementary Education Act, 1870 [33 & 34 Vict. c. 75].

The expression "local and personal Act" includes a Provisional Order confirmed by an Act and the Act confirming the Order.

The expression "prescribed" means prescribed by order of the Local Government Board.

78. *Extent of Act.*] This Act shall not extend to Scotland or Ireland.

77. *Short title.*] This Act may be cited as the Local Government Act, 1894.

PART V.

TRANSITORY PROVISIONS.

78. *First elections to parish councils.*] (1.) The overseers of each rural parish shall convene the first parish meeting of the parish at the time fixed by or under this Act for the first election of parish councillors, whether there is or is not a parish council for the parish, and for this purpose the overseers of a parish shall be deemed to be the overseers of every part of the parish.

(2.) The chairman of the parish meeting at which the first parish councillors are nominated, or in his default the clerk of the guardians, shall convene the first meeting of the parish council.

(3.) The first parish councillors and the first chairman of a parish meeting elected under this Act shall retire on the second ordinary day of coming into office of councillors which happens after their election.

79. *First elections of guardians and district councils.*

(1.) The existing boards of guardians and urban and rural sanitary authorities shall take the necessary measures for the conduct of the first elections of guardians and district councillors respectively under this Act, including any appointment of returning officers required by rules under this Act.

(2.) Where a parish is divided by this Act into two or more new parishes, then, subject to any order made by the county council, there shall be one guardian, and if it is in a rural district, one district councillor for each of such new parishes.

(3.) Of the guardians and urban and rural district councillors first elected under this Act, save as herein-after mentioned, one third as nearly as may be shall continue in office until the fifteenth day of April one thousand eight hundred and ninety-six, and shall then retire; and one third as nearly as may be shall continue in office until the fifteenth day of April one thousand eight hundred and ninety-seven, and shall then retire; and the remainder shall continue in office until the fifteenth day of April one thousand eight hundred and ninety-eight, and shall then retire.

(4.) The guardians and rural district councillors to retire respectively on the fifteenth day of April one thousand eight hundred and ninety-six and on the fifteenth day of April one thousand eight hundred and ninety-seven shall be the guardians and rural district councillors for such parishes, wards, or other areas, as may be determined by the county council for the purpose of the rotation.

(5.) Where guardians or rural district councillors retire together at the end of the triennial period, the guardians and district councillors first elected under this Act shall retire on the fifteenth day of April one thousand eight hundred and ninety-eight.

(6.) Of the first urban district councillors elected under this Act, the third who are respectively to retire on the fifteenth day of April one thousand eight hundred and ninety-six and one thousand eight hundred and ninety-seven shall be determined according to their place on the poll at the election, those that were lowest on the poll retiring first. If there was no poll, or if a question arises in consequence of an equality of votes between two or more councillors, the matter shall be determined by ballot conducted under the direction of the council.

(7.) In the case of an urban district divided into wards, the foregoing provisions with respect to retirement shall apply separately to each ward.

(8.) Upon the day on which the first guardians and urban or rural district councillors elected under this Act come into office, the persons who are then members of boards of guardians, and urban and rural sanitary authorities, shall cease to hold office, but until that day the persons who are at the passing of this Act guardians and members of urban sanitary authorities (for urban districts not being boroughs) and of highway boards shall continue in office notwithstanding any want of qualification, as if the term of office for which they were elected expired on that day, and, except for the purpose of filling casual vacancies or electing additional guardians, no further elections shall be held.

(9.) The first meeting of each district council elected under this Act shall be convened by the returning officer.

(10.) The foregoing provisions shall apply to the existing members and first members elected under this Act of the local board of Woolwich and of any vestry under the Metropolis Management Acts, 1855 to 1890, and any Act amending the same, and to the existing and first auditors elected under those Acts in like manner as if they were members of urban sanitary authorities or urban district councillors, as the case may require, except that the date of the annual election shall be substituted for the fifteenth day of April.

(11.) The overseers of any parish divided by this Act shall, until the first appointment of overseers next after the appointed day, continue in office as if they were overseers of each part of the said parish, which by reason of such division becomes a separate parish.

80. *Power of county council to remove difficulties.*

(1.) If any difficulty arises with respect to the holding of the first parish meeting of a rural parish, or to the first election of parish or district councillors, or of guardians, or of members of the local board of Woolwich, or any vestry in the county of London, or of auditors in the county of London, or to the first meeting of a parish or district council, or board of guardians, or such local board or vestry as aforesaid, or if, from no election being held or an election being defective or otherwise, the first parish or district council, or board of guardians, or local board or vestry has not been properly constituted, or there are no auditors under the Metropolis Management Acts, 1855 to 1890, or an insufficient number, properly elected, the county council may by order make any appointment or do any thing which appears to them necessary or expedient for the proper holding of any such first meeting or election and properly constituting the parish or district council, board of guardians, local board, or vestry, or auditors, and may, if it appears to them necessary, direct the holding of a meeting or election, and fix the dates for any such meeting or election, but a parish shall, notwithstanding any such failure to constitute the parish council, be deemed to be a parish having a parish council within the meaning of this Act. Any such order may modify the provisions of this Act, and the enactments applied by or rules framed under this Act so far as may appear to the county council necessary or expedient for carrying the order into effect.

(2.) The Local Government Board shall make regulations for expediting and simplifying the procedure under section fifty-seven of the Local Government Act, 1888, in all cases in the year one

thousand eight hundred and ninety-four, for the purpose of bringing this Act into immediate operation, and such regulations may dispense with the final approval of an order by the county council in cases where the prescribed notice of the proposed order has been given before it is made by the county council.

81. *Existing officers.*] (1.) Where the powers and duties of any authority other than justices are transferred by this Act to any parish or district council, the officers of that authority shall become the officers of that council, and for the purposes of this section the body appointing a surveyor of highways shall be deemed to be a highway authority and any paid surveyor to be an officer of that body.

(2.) Where there is in a rural parish an existing vestry clerk appointed under the Vestries Act, 1850 [13 & 14 Vict. c. 57], he shall become the clerk of the parish council, and if there is also an assistant overseer in the parish, then, notwithstanding the foregoing provisions of this Act, that assistant overseer shall not, while such vestry clerk holds office, be the clerk of the parish council.

(3.) Any existing assistant overseer in a parish for which a parish council is elected shall, unless appointed by a board of guardians, become an officer of the parish council.

(4.) Every such officer, vestry clerk, and assistant overseer, as above in this section mentioned shall hold his office, by the same tenure and upon the same terms and conditions as heretofore, and while performing the same duties shall receive not less salary or remuneration than heretofore.

(5.) Where a parish or rural sanitary district is divided by this Act, any officer for the parish or district so divided shall hold his office as such officer for each parish or district formed by the division, and his salary shall be borne by the respective parishes or districts in proportion to their rateable value at the commencement of the local financial year next after the passing of this Act.

(6.) So much of any enactment as authorizes the appointment of assistant overseers by a board of guardians shall be repealed as from the appointed day.

(7.) Section one hundred and twenty of the Local Government Act, 1888 [51 & 52 Vict. c. 41], which relates to compensation to existing officers, shall apply in the case of existing officers affected by this Act, whether officers above in this section mentioned or not, as if references in that section to the county council were references to the parish council, or the district council, or board of guardians or other authority whose officer the person affected is when the claim for compensation arises as the case may require. Provided that all expenses incurred by a district council in pursuance of this section shall be paid as general expenses of the council, and any expenses incurred by a board of guardians in pursuance of this section shall be paid out of their common fund, and any expenses incurred by any other authority in pursuance of this section shall be paid out of the fund applicable to payment of the salary of the officers affected.

82. *Provision as to highways.*] (1.) Where before the appointed day the highway expenses were charged on a particular parish or other area and not on a district, the district council may determine that the highways in that parish or area shall be placed in proper repair before the expenses of repairing the same become a charge upon the district, and, failing such highways being placed in proper repair to the satisfaction of the district council, the district council may themselves place the highways in proper repair, and the expense incurred by them of placing those highways in proper repair shall be a separate charge on the parish or area, and any question which arises as to whether any such expenses are properly a separate charge on the parish or area shall be determined by the county council.

(2.) Where in pursuance of an order of a county council a parish continues to maintain its own highways after the appointed day, the highway expenses shall not be deemed to be expenses of the parish council or of the parish meeting within the meaning of this Act.

83. *Duty of county council to bring Act into operation.*] It shall be the duty of every county council to exercise all such of their powers as may be

requisite for bringing this Act into full operation within their county as soon as may be after the passing thereof, and a county council may delegate their powers under this Act to a committee.

84. *Appointed day.* (1.) The first elections under this Act shall be held on the eighth day of November next after the passing of this Act, or such later date or dates in the year one thousand eight hundred and ninety-four as the Local Government Board may fix.

(2.) The persons elected shall come into office on the second Thursday next after their election, or such other day not more than seven days earlier or later as may be fixed by or in pursuance of the rules made under this Act in relation to their election.

(3.) Every division into wards or alteration of the boundaries of any parish or union or district which is to affect the first election shall, if it affects the parishes or parts for which the registers of parochial electors will be made, be made so far as practicable before the first day of July next after the passing of this Act, and any such division or alteration which after the appointed day may be made on application by the parish council or any parochial electors of any parish, may be made before the appointed day on application by the vestry or a like number of the ratepayers of the parish.

Provided that—

(a) If any county council having any such division or alteration under consideration so direct, the lists of voters shall be framed in parts corresponding with such division or alteration so that the parts may serve either for the unaltered parish, union, or district, or for the same when divided or altered; and

(b) If the county council making such division or alteration on or after the said day and on or before the last day of August one thousand eight hundred and ninety-four so direct, the clerk of the county council shall make such adjustment of the registers of parochial electors as the division or alteration may render necessary for enabling every parochial elector to vote at the first election in the ward, union, or district in which his qualification is situate, and in that case the said division or alteration shall be observed in the case of that election.

(4.) Subject as in this Act mentioned, "the appointed day" shall,

(a) for the purpose of elections and of parish meetings in parishes not having a parish council, be the day or respective days fixed for the first elections under this Act, or such prior day as may be necessary for the purpose of giving notices or doing other acts preliminary to such elections; and

(b) for the purpose of the powers, duties, and liabilities of councils or other bodies elected under this Act, or other matters not specifically mentioned, be the day on which the members of such councils or other bodies first elected under this Act come into office; and

(c) for the purpose of powers, duties, and liabilities transferred to a council of a borough by this Act, be the first day of November next after the passing of this Act;

and the lists and registers of parochial electors shall be made out in such parts as may be necessary for the purpose of the first elections under this Act.

Provided that where an order of a county council postpones the operation of the section with respect to highways as respects their county or any part thereof the day on which such postponement ceases shall, as respects such county or part, be the appointed day, and the order of postponement shall make such provision as may be necessary for holding elections of highway boards during the interval before the appointed day.

85. *Current rates, &c.* (1.) Every rate and precept for contributions made before the appointed day may be assessed, levied, and collected, and proceedings for the enforcement thereof taken, in like manner as nearly as may be as if this Act had not passed.

(2.) The accounts of all receipts and expenditure before the appointed day shall be audited, and

disallowances, surcharges, and penalties recovered and enforced, and other consequential proceedings had, in like manner as nearly as may be as if this Act had not passed, but as soon as practicable after the appointed day; and every authority, committee, or officer whose duty it is to make up any accounts, or to account for any portion of the receipts or expenditure in any account, shall, until the audit is completed, be deemed for the purpose of such audit to continue in office, and be bound to perform the same duties and render the same accounts, and be subject to the same liabilities as before the appointed day.

(3.) All proceedings, legal and other, commenced before the appointed day, may be carried on in like manner, as nearly as may be, as if this Act had not passed, and any such legal proceeding may be amended in such manner as may appear necessary or proper in order to bring it into conformity with the provisions of this Act.

(4.) Every valuation list made for a parish divided by this Act shall continue in force until a new valuation list is made.

(5.) The change of name of an urban sanitary authority shall not affect their identity as a corporate body or derogate from their powers, and any enactment in any Act, whether public general or local and personal, referring to the members of such authority shall, unless inconsistent with this Act, continue to refer to the members of such authority under its new name.

86. *Saving for existing securities and discharge of debts.* (1.) Nothing in this Act shall prejudicially affect any securities granted before the passing of this Act on the credit of any rate or property transferred to a council or parish meeting by this Act; and all such securities, as well as all unsecured debts, liabilities, and obligations incurred by any authority in the exercise of any powers or in relation to any property transferred from them to a council or parish meeting shall be discharged, paid, and satisfied by that council or parish meeting, and where for that purpose it is necessary to continue the levy of any rate or the exercise of any power which would have existed but for this Act, that rate may continue to be levied and that power to be exercised either by the authority who otherwise would have levied or exercised the same, or by transferee as the case may require.

(2.) It shall be the duty of every authority whose powers, duties, and liabilities are transferred by this Act to liquidate so far as practicable before the appointed day, all current debts and liabilities incurred by such authority.

87. *Saving for existing bye-laws.* All such bye-laws, orders, and regulations of any authority, whose powers and duties are transferred by this Act to any council, as are in force at the time of the transfer, shall, so far as they relate to or are in pursuance of the powers and duties transferred, continue in force as if made by that council, and may be revoked or altered accordingly.

88. *Saving for pending contracts, &c.* (1.) If at the time when any powers, duties, liabilities, debts, or property are by this Act transferred to a council or parish meeting, any action or proceeding, or any cause of action or proceeding is pending or existing by or against any authority in relation thereto the same shall not be in anywise prejudicially affected by the passing of this Act, but may be continued, prosecuted, and enforced by or against the council or parish meeting as successors of the said authority in like manner as if this Act had not been passed.

(2.) All contracts, deeds, bonds, agreements, and other instruments subsisting at the time of the transfer in the section mentioned, and affecting any of such powers, duties, liabilities, debts, or property, shall be of as full force and effect against or in favour of the council or parish meeting, and may be enforced as fully and effectually as if, instead of the authority, the council or parish meeting had been a party thereto.

89. *Repeal.* The Acts specified in the Second Schedule to this Act are hereby repealed as from the appointed day to the extent in the third column of that schedule mentioned, and so much of any Act, whether public general or local and personal, as is inconsistent with this Act is also hereby repealed. Provided that where any wards of an urban district have been created, or any number

of members of an urban sanitary authority fixed, by or in pursuance of any local and personal Act, such wards and number of members shall continue and be alterable in like manner as if they had been fixed by an order of the county council under this or any other Act.

SCHEDULES.

FIRST SCHEDULE.

RULES AS TO PARISH MEETINGS, PARISH COUNCILS, AND COMMITTEES.

PART ONE.

[Section 2.]

Rules applicable to Parish Meetings.

(1.) The annual assembly of the parish meeting shall be held on the twenty-fifth day of March in each year, or within seven days before or after that day.

(2.) Not less than seven clear days before any parish meeting, public notice thereof shall be given specifying the time and place of the intended meeting and the business to be transacted at the meeting, and signed by the chairman of the parish council or other conveners of the meeting.

(3.) If the business relates to the establishment or dissolution of a parish council, or the grouping of a parish, or the adoption of any of the adoptive Acts, not less than fourteen days notice shall be given.

(4.) A parish meeting may discuss parish affairs and pass resolutions thereon.

(5.) Every question to be decided by a parish meeting shall, in the first instance, be decided by the majority of those present and voting on the question, and the chairman shall announce his decision as to the result, and that decision shall be final, unless a poll is demanded.

(6.) A poll may be demanded at any time before the conclusion of a parish meeting.

(7.) A poll may be demanded by any one parochial elector in the case of a resolution respecting any of the following matters, namely:—

(a.) Any application, representation, or complaint to a county council or district council;

(b.) The appointment of a chairman for the year or of a committee, or the delegation of any powers or duties to a committee, or the approval of the acts of a committee;

(c.) The appointment of an overseer, the appointment or revocation of the appointment or dismissal of an assistant overseer or a parish officer;

(d.) The appointment of trustees or beneficiaries of a charity;

(e.) The adoption of any of the adoptive Acts;

(f.) The formation or dissolution of a school board;

(g.) The consent or refusal of consent to any act, matter, or thing which cannot by law be done without that consent;

(h.) The incurring of any expense or liability;

(i.) The place and time for the assembly of the parish meeting;

(k.) Any other prescribed matter; but, save as aforesaid, a poll shall not be taken unless either the chairman of the meeting assents, or the poll is demanded by parochial electors present at the meeting, not being less than five in number or one-third of those present, whichever number is least.

(8.) In case of an equal division of votes at a parish meeting the chairman shall have a second or casting vote.

(9.) Where a parish meeting is held for the election of parish councillors, opportunity shall be given at the meeting for putting questions to each of the candidates as are present, and receiving explanations from them, and any candidate shall be entitled to attend the meeting and speak thereat, but, unless he is a parochial elector, not to vote.

(10.) If the chairman of the parish meeting is absent from or unwilling or unable to take the chair at any assembly of the parish meeting, the meeting may appoint a person to take the chair, and that person shall have, for the purpose of that meeting, the powers and authority of the chairman.

(11.) Any notice required to be given to a

served on a parish meeting may be given to or served on the chairman of the parish meeting.

PART TWO.

[Section 3.]

Rules applicable to Parish Councils.

(1.) Every parish councillor shall, at the first meeting after his election, or if the council at the first meeting so permit, then at a later meeting fixed by the council, sign, in the presence of some member of the council, a declaration that he accepts the office, and if he does not sign such a declaration his office shall be void.

(2.) If any casual vacancy arises in the council, the council shall forthwith be convened for filling the vacancy.

(3.) The first business at the annual meeting shall be to elect a chairman and to appoint the officers.

(4.) The chairman may at any time convene a meeting of the parish council. If the chairman refuses to convene a meeting of the council after a requisition for that purpose signed by two members of the council has been presented to him, any two members of the council may forthwith, on that refusal, convene a meeting. If the chairman (without so refusing) does not within seven days after such presentation convene a meeting, any two members of the council may, on the expiration of those seven days, convene a meeting.

(5.) Three clear days at least before any meeting of a parish council notice thereof, specifying the time and place of the intended meeting and the business to be transacted at the meeting, and signed by or on behalf of the chairman of the parish council or persons convening the meeting, shall be given to every member of the parish council, and in case of the annual meeting notice specifying the like particulars shall be given to every member of the parish council immediately after his election.

(6.) Any notice required by law to be given to the chairman or any other member of the parish council may be left at or sent by post to the usual place of abode of such chairman or member.

(7.) No business shall be transacted at any meeting of a parish council unless at least one-third of the full number of members are present thereat, subject to this qualification, that in no case shall the quorum be less than three.

(8.) The names of the members present at any meeting of the parish council, as well as of those voting on each question on which a division is taken, shall be recorded, so as to shew whether each vote given was for or against the question.

(9.) Every question at a meeting of a parish council shall be decided by a majority of votes of the members present and voting on that question.

(10.) In case of an equal division of votes the chairman of the meeting shall have a second or casting vote.

(11.) The parish council may, if they think fit, appoint one of their number to be vice-chairman, and the vice-chairman shall, in the absence or during the inability of the chairman, have the powers and authority of the chairman.

(12.) The proceedings of a parish council shall not be invalidated by any vacancy among their members, or by any defect in the election or qualification of any members thereof.

(13.) A parish council shall hold not less than four meetings in each year, of which one shall be the annual meeting, and every such meeting shall be open to the public unless the council otherwise direct.

(14.) Every cheque or other order for payment of money by a parish council shall be signed by two members of the council.

(15.) Any notice required to be given to or served on a parish council may be given to or served on the clerk to the parish council.

(16.) The parish council may appear before any court or in any legal proceeding by their clerk or by any officer or member authorized generally or in respect of any special proceeding by resolution of the council, and their clerk or any member or officer shall, if so authorized, be at liberty to institute and carry on any proceeding which the parish council are authorized to institute and carry on.

PART THREE.

[Sections 2, 3.]

General.

(1.) Minutes of the proceedings of every parish council and parish meeting shall be kept in a book provided for that purpose.

(2.) A minute of proceedings at a meeting of a parish council, or of a committee of a parish or

district council, or at a parish meeting, signed at the same or the next ensuing meeting by a person describing himself as or appearing to be chairman of the meeting at which the minute is signed, shall be received in evidence without further proof.

(3.) Until the contrary is proved, every meeting in respect of the proceedings whereof a minute has been so made shall be deemed to have been duly convened and held, and all the members of the meeting shall be deemed to have been duly qualified; and where the proceedings are proceedings of a committee, the committee shall be deemed to have been duly constituted, and to have had power to deal with the matters referred to in the minute.

(4.) Any instrument purporting to be executed under the hands or under the hands and seals of the chairman and of two other members of a parish council or of a parish meeting shall, until the contrary is proved, be deemed to have been duly executed.

(5.) Subject to the provisions of this Act, a parish council may make, vary, and revoke standing orders for the regulation of their proceedings and business, and of the proceedings and business at parish meetings for a rural parish having a parish council.

(6.) Where there is no council for a rural parish, the parish meeting may, subject to the provisions of this Act, regulate their own proceedings and business.

PART FOUR.

[Section 56.]

Proceedings of Committees of Parish or District Councils.

(1.) The quorum, proceedings, and place of meeting of a committee, whether within or without the parish or district, and the area (if any) within which the committee are to exercise their authority, shall be such as may be determined by regulations of the council or councils appointing the committee.

(2.) Subject to such regulations, the quorum, proceedings, and place of meeting, whether within or without the parish or district, shall be such as the committee direct, and the chairman at any meeting of the committee shall have a second or casting vote.

SECOND SCHEDULE.

[Section 89.]

ENACTMENTS REPEALED.

Session and Chapter.	Short Title.	Extent of Repeal.
54 Geo. 3, c. 91 .	An Act to amend so much of an Act passed in the forty-third year of Her late Majesty Queen Elizabeth, as concerns the time for appointing overseers of the poor.	The whole Act, so far as it relates to rural parishes.
58 Geo. 3, c. 69 .	The Vestries Act, 1818	Sections one, two, three, and four, so far as they relate to parish meetings and parish councils under this Act.
59 Geo. 3, c. 85 .	The Vestries Act, 1819	The whole Act, so far as it relates to parish meetings under this Act.
1 & 2 Will. 4, c. 60 .	The Vestries Act, 1831	The whole Act, so far as it relates to parish meetings under this Act, except section thirty-nine.
4 & 5 Will. 4, c. 76 .	The Poor Law Amendment Act, 1834 .	In section thirty-eight, the words "and the said guardians shall be elected by the ratepayers and by such owners of property in the parishes forming such union as shall in manner hereinafter mentioned require to have their names entered as entitled to vote as owners in the books of such parishes respectively"; and from "and also fix a qualification" to "for the ensuing year shall be chosen"; and from "and every justice of the peace" to "as such elected guardians"; and from "Provided also" to the end of the section. Section thirty-nine, from "and every justice" to the end of the section. In section forty, the words "In all cases of the election of guardians under this Act or."
5 & 6 Will. 4, c. 50 .	The Highway Act, 1835	Section forty-one. Section forty-eight, from "Provided always" to the end of the section, so far as the words repealed relate to the office of parish or district councillor or guardian. In section forty-eight, the words "with the consent in writing of the justices of the peace at a special sessions for the highways" and the words "at and for such price as the said justices may deem fair and reasonable."
7 Will. 4 & 1 Vict. c. 45	The Parish Notices Act, 1837	Section three, so far as it relates to notices by parish councils and notices of parish meetings under this Act.
5 & 6 Vict. c. 57 .	The Poor Law Amendment Act, 1842 .	Section eight, section eleven, from "and in every case," to the end of the section, and section fifteen.
7 & 8 Vict. c. 101 .	The Poor Law Amendment Act, 1844 .	Sections seventeen, twenty, and twenty-four, and section sixty-one from "and wherever any such collector" to "provisions of this Act."
13 & 14 Vict. c. 57 .	The Vestries Act, 1850	Sections six, seven, eight, and nine, so far as they relate to parish meetings under this Act.
14 & 15 Vict. c. 105 .	The Poor Law Amendment Act, 1851 .	Section two and section three.
16 & 17 Vict. c. 65 .	The Vestries Act, 1853	The whole Act, so far as it relates to parish meetings under this Act.
18 & 19 Vict. c. 120 .	The Metropolis Management Act, 1855 .	Section six. Sections thirteen to twenty-seven. In section thirty the words "or custom." Section fifty-four. In section two hundred and thirty-five the words "under this Act," where they secondly occur.
19 & 20 Vict. c. 112 .	The Metropolis Management Amendment Act, 1856.	Sections six, seven, and eight.
23 & 24 Vict. c. 30 .	The Public Improvements Act, 1860 . .	In section four the words "in value."
25 & 26 Vict. c. 102 .	The Metropolis Management Amendment Act, 1862.	Section thirty-six; and section forty from "by rating" to "of such parish."
25 & 26 Vict. c. 103 .	The Union Assessment Act, 1862 . . .	In section two, the words "consisting partly of ex officio and partly of elected guardians," and from "Provided always" to the end of the section. In section five, the words "ex officio or elected," in both places where they occur, and the words, "as the case may be."
30 & 31 Vict. c. 6 .	The Metropolitan Poor Act, 1867 . . .	Section seventy-nine.
30 & 31 Vict. c. 106 .	The Poor Law Amendment Act, 1867 .	Sections four, five, six, and nine, section ten so far as it relates to elections of guardians, and section twelve.
31 & 32 Vict. c. 122 .	The Poor Law Amendment Act, 1868 .	Section four, from "and the powers" to the end of the section.
38 & 39 Vict. c. 55 .	The Public Health Act, 1875	Section eight from "and the number" to the end of the section. In section nine, from "Provided that (1) An ex officio guardian" to "situated in an urban district" (being the proviso); and the words "from owners or occupiers of property situated in the rural district of a value sufficient to qualify them as elective guardians for a union," and from "Subject to the provisions of this Act" to the end of the section. Section two hundred, except so far as it applies to boroughs; sections two hundred and one and two hundred and four, section two hundred and forty-eight, except so far as it relates to overseers, and section three hundred and twelve. So much of Schedule I. as relates to committees, and Schedule II.
39 & 40 Vict. c. 61 .	The Divided Parishes and Poor Law Amendment Act, 1876.	Section six, from "The meeting of inhabitants" to the end of the section, so far as it relates to rural parishes. Section eight to "no alteration," except as to cases where a parish is dealt with by order of the Local Government Board.
39 & 40 Vict. c. 79 .	The Elementary Education Act, 1876 .	In section seven the words "so however that in the case of a committee appointed by guardians one third at least shall consist of ex officio guardians, if there are any" and sufficient ex officio guardians."
47 & 48 Vict. c. 70 .	The Municipal Elections (Corrupt and Illegal Practices) Act, 1884.	Section thirty-six, from "(h.) The Local Government Board" to "validity of any vote."
48 & 49 Vict. c. 53 .	The Public Health (Members and Officers) Act, 1885.	Sections three and four.
55 & 56 Vict. c. 53 .	The Public Libraries Act, 1892	Sub-section three of section one. The First Schedule, so far as it applies to rural parishes.

STATUTES.

57 VICTORIA.

CHAPTER 1.

[*Consolidated Fund (No. 1) Act, 1894.*]

An Act to apply certain sums out of the consolidated Fund to the service of the years ending on the thirty-first day of March one thousand eight hundred and ninety-three, one thousand eight hundred and ninety-four, and one thousand eight hundred and ninety-five.

[29th March 1894.]

CHAPTER 2.

[*Behring Sea Award Act, 1894.*]

An Act to provide for carrying into effect the Award of the Tribunal of Arbitration constituted under a Treaty between Her Majesty the Queen and the United States of America.

[23rd April 1894.]

Whereas by a treaty between Her Majesty the Queen and the Government of the United States of America various questions which had arisen respecting the taking and preservation of the fur seal in the North Pacific were referred to arbitrators as mentioned in the treaty:

And whereas the award of such arbitrators (in this Act referred to as the Behring Sea Arbitration Award) dated the fifteenth day of August one thousand eight hundred and ninety-three, contained the provisions set out in the First Schedule to this Act; and it is expedient to provide for carrying the same into effect:

Be it therefore enacted, &c.:

1. *Enactment of articles of arbitrators' award respecting the fur seal.* (1.) The provisions of the Behring Sea Arbitration Award set out in the First Schedule to this Act shall have effect as if those provisions (in this Act referred to as the scheduled provisions) were enacted by this Act, and the acts directed by Articles one and two thereof to be forbidden were expressly forbidden by this Act.

(2.) If there is any contravention of this Act, any person committing, procuring, aiding, or abetting such contravention shall be guilty of a misdemeanour within the meaning of the Merchant Shipping Act, 1854 [17 & 18 Vict. c. 104], and the ship employed in such contravention and her equipment, and everything on board thereof, shall be liable to be forfeited to Her Majesty as if an offence had been committed under section one hundred and three of the said Act; Provided that the court, without prejudice to any other power, may release the ship, equipment, or thing, on payment of a fine not exceeding five hundred pounds.

(3.) The provisions of the Merchant Shipping Act, 1854, with respect to official logs (including penal provisions) shall apply to every vessel engaged in fur seal fishing.

(4.) Every person who forges or fraudulently alters any licence or other document issued for the purpose of Article four or of Article seven in the First Schedule to this Act, or who procures any such licence or document to be forged or fraudulently altered, or who knowing any such licence or

document to be forged or fraudulently altered uses the same, or who aids in forging or fraudulently altering any such licence or document, shall be guilty of a misdemeanour within the meaning of the Merchant Shipping Act, 1854 [17 & 18 Vict. c. 104].

(5.) Subject to this Act, the provisions of sections one hundred and three and one hundred and four and Part Ten of the Merchant Shipping Act, 1854, and of section thirty-four of the Merchant Shipping Act, 1876 [39 & 40 Vict. c. 80], which are set out in the Second Schedule to this Act, shall apply as if they were herein re-enacted, and in terms made applicable to an offence and forfeiture under this Act; and any commissioned officer on full pay in the naval service of Her Majesty the Queen may seize the ship's certificate of registry.

2. *Provision as to ship's papers.* (1.) Where an officer seizes, under this Act, a ship's certificate of registry, he shall either retain the certificate and give a provisional certificate in lieu thereof, or return the certificate with an indorsement of the grounds on which it was seized, and in either case shall direct the ship, by an addition to the provisional certificate or to the indorsement, to proceed forthwith to a specified port, being a port where there is a British court having authority to adjudicate in the matter, and if this direction is not complied with, the owner and master of the ship shall, without prejudice to any other liability, each be liable to a fine not exceeding one hundred pounds.

(2.) Where in pursuance of this section a provisional certificate is given to a ship, or the ship's certificate is indorsed, any officer of customs in Her Majesty's dominions or British consular officer may detain the ship until satisfactory security is given for her appearance in any legal proceedings which may be taken against her in pursuance of this Act.

3. *Orders in Council.* (1.) Her Majesty the Queen in Council may make, revoke, and alter Orders for carrying into effect the scheduled provisions, and this Act, and every such Order shall be forthwith laid before both Houses of Parliament, and published in the London Gazette, and shall have effect as if enacted in this Act.

(2.) If there is any contravention of any regulation made by any such Order, any person committing, procuring, aiding, or abetting such contravention shall be liable to a penalty not exceeding one hundred pounds.

(3.) An Order in Council under this Act may provide, that such officers of the United States of America as are specified in the Order may, in respect of offences under this Act, exercise the like powers under this Act as may be exercised by a commissioned officer of Her Majesty in relation to a British ship, and the equipment and certificate thereof, or such of those powers as appear to Her Majesty in Council to be exercisable under the law of the United States of America against ships of the United States; and that such British officers as are specified in the Order may exercise the powers conferred by this Act, with any necessary modifications specified in the Order, in relation to a ship of the United States of America, and the equipment and certificate thereof.

4. *Liability of master to punishment.* (1.) Where any offence under this Act has been committed by some person belonging to a ship, or by means of a ship, or the equipment of a ship, the master of the ship shall be deemed guilty of such offence, and the ship and her equipment shall be liable to forfeiture under this Act;

(2.) Provided that if it is proved that the master issued proper orders for the observance, and used due diligence to enforce the observance of this Act, and the regulations in force thereunder, and that the offence in question was actually committed by some other person without his connivance, and that the actual offender has been convicted, or that he has taken all proper means in his power to prosecute such offender, if alive, to conviction, the master or the ship shall not be liable to any penalty or forfeiture other than such sum as will prevent any profit accruing by reason of the offence to the master or crew or owner of the ship.

5. *Definitions.* The expression "equipment" in this Act includes any boat, tackle, fishing or shooting instruments, and other things belonging to a ship.

6. *Short title.* This Act may be cited as the Behring Sea Award Act, 1894.

7. *Commencement of Act.* (1.) This Act shall come into operation on the first day of May one thousand eight hundred and ninety-four, provided that Her Majesty in Council, if at any time it appears expedient so to do, having regard to the circumstances which have then arisen in relation to the scheduled provisions or to the enforcement thereof, may suspend the operation of this Act or any part thereof during the period mentioned in the Order, and the same shall be suspended accordingly.

(2.) Where on any proceeding in any court against a person or ship in respect of any offence under this Act it is proved that the ship sailed from its port of departure before the provisions of the award mentioned in the First Schedule to this Act were known there, and that such person or the master of the ship did not, after such sailing and before the alleged offence, become aware of those provisions, such person shall be acquitted, and the ship shall be released and not forfeited.

8. *Duration of Act.* This Act shall remain in force so long as the scheduled provisions remain in force and no longer;

Provided that if by agreement between Her Majesty the Queen and the Government of the United States of America, the scheduled provisions are modified, then Her Majesty in Council may order that this Act shall, subject to any modifications specified in the Order, apply, and the same shall accordingly apply, to the modified provisions in like manner as if they were set out in the First Schedule to this Act.

SCHEDULES.

FIRST SCHEDULE.

PROVISIONS IN AWARD OF THE TRIBUNAL OF ARBITRATION constituted under the Treaty concluded at Washington on the 29th of February, 1893, between HER MAJESTY THE QUEEN and the UNITED STATES OF AMERICA.

And whereas the aforesaid determination of the

foregoing questions as to the exclusive jurisdiction of the United States mentioned in Article VI. leaves the subject in such a position that the concurrence of Great Britain is necessary to the establishment of Regulations for the proper protection and preservation of the fur-seal in or habitually resorting to the Behring Sea, the Tribunal having decided by a majority as to each Article of the following Regulations, we the said Baron de Courcel, Lord Hannen, Marquis Visconti Venosta, and Mr. Gregers Gram, assenting to the whole of the nine Articles of the following Regulations, and being a majority of the said arbitrators, do decide and determine in the mode provided by the Treaty that the following concurrent Regulations outside the jurisdictional limits of the respective Governments are necessary, and that they should extend over the waters herein-after mentioned; that is to say:—

Article 1. The Governments of the United States and of Great Britain shall forbid their citizens and subjects respectively to kill, capture, or pursue, at any time and in any manner whatever, the animals commonly called fur-seals, within a zone of 60 miles around the Pribiloff Islands, inclusive of the territorial waters.

The miles mentioned in the preceding paragraph are geographical miles, of 60 to a degree of latitude.

Article 2. The two Governments shall forbid their citizens and subjects respectively to kill, capture, or pursue, in any manner whatever, during the season extending each year from the 1st May to the 31st July, both inclusive, the fur-seals on the high sea in the part of the Pacific Ocean, inclusive of the Behring Sea, which is situated to the north of the 35th degree of north latitude, and eastward of the 180th degree of longitude from Greenwich till it strikes the water boundary described in Article I. of the Treaty of 1867 between the United States and Russia, and following that line up to Behring Straits.

Article 3. During the period of time and in the waters in which the fur-seal fishing is allowed, only sailing vessels shall be permitted to carry on or take part in fur-seal fishing operations. They will, however, be at liberty to avail themselves of the use of such canoes or undecked boats, propelled by paddles, oars, or sails, as are in common use as fishing boats.

Article 4. Each sailing vessel authorized to fish for fur-seals must be provided with a special licence issued for that purpose by its Government, and shall be required to carry a distinguishing flag to be prescribed by its Government.

Article 5. The masters of the vessels engaged in fur-seal fishing shall enter accurately in their official log-book the date and place of each fur-seal fishing operation, and also the number and sex of the seals captured upon each day. These entries shall be communicated by each of the two Governments to the other at the end of each fishing season.

Article 6. The use of nets, fire-arms, and explosives shall be forbidden in the fur-seal fishing. This restriction shall not apply to shot guns when such fishing takes place outside of Behring's Sea during the season when it may be lawfully carried on.

Article 7. The two Governments shall take measures to control the fitness of the men authorized to engage in fur-seal fishing. These men shall have been proved fit to handle with sufficient skill the weapons by means of which this fishing may be carried on.

Article 8. The Regulations contained in the preceding Articles shall not apply to Indians dwelling on the coasts of the territory of the United States or of Great Britain, and carrying on fur-seal fishing in canoes or undecked boats not transported by or used in connection with other vessels and propelled wholly by paddles, oars, or sails, and manned by not more than five persons each in the way hitherto practised by the Indians, provided such Indians are not in the employment of other persons, and provided that, when so hunting in canoes or undecked boats, they shall not hunt fur-seals outside of territorial waters under contract for the delivery of the skins to any person.

This exemption shall not be construed to affect the municipal law of either country, nor shall it extend to the waters of Behring Sea, or the waters of the Aleutian Passes.

Nothing herein contained is intended to interfere with the employment of Indians as hunters or otherwise in connection with fur-sealing vessels as heretofore.

Article 9. The concurrent regulations hereby determined with a view to the protection and preservation of the fur-seals, shall remain in force until they have been, in whole or in part, abolished or modified by common agreement between the Governments of the United States and of Great Britain.

The said concurrent regulations shall be submitted every five years to a new examination, so as to enable both interested Governments to consider, whether, in the light of past experience, there is occasion for any modification thereof.

SECOND SCHEDULE.

ENACTMENTS OF MERCHANT SHIPPING ACT (17 & 18 VICT. c. 104) APPLIED.

Section 103.—From the words "And in order" to the end.

Section 104.

PART X.—LEGAL PROCEDURE.

Application.

Section 517.

Legal Procedure (General).

Sections 518-529.

Legal Procedure (Scotland).

Sections 530-543.

ENACTMENT OF MERCHANT SHIPPING ACT, 1876 (39 & 40 VICT. c. 80), APPLIED.

Section 34.

CHAPTER 3.

[*Army (Annual) Act*, 1894.]

An Act to provide, during twelve months, for the Discipline and Regulation of the Army.
[23rd April 1894.]

CHAPTER 4.

[*Four Courts Library Act*, 1894.]

An Act to authorize an advance out of the general fund of moneys belonging to the Sutors of the Supreme Court in Ireland for the purposes of the Library used by the Bar of Ireland at the Four Courts, Dublin.
[1st June 1894.]

CHAPTER 5.

[*County Councils Association (Scotland) Expenses Act*, 1894.]

An Act to provide for the Establishment of a County Councils Association in Scotland, and to enable County Councils to contribute to the Expenses of the Association.
[1st June 1894.]

CHAPTER 6.

[*Quarter Sessions Act*, 1894.]

An Act for amending the Law with respect to the Time for holding Quarter Sessions.
[1st June 1894.]

Be it enacted, &c.:

1. *Power to alter time for holding quarter sessions.* The justices assembled in general quarter sessions, or at any adjourned or special meeting thereof (which special meeting they are hereby authorized to hold) may at any time when it may appear desirable for the purpose of not interfering with the assizes then next ensuing, fix or alter the time for holding the next general quarter sessions so as the sessions be held not earlier than fourteen days before nor later than fourteen days after the week in which they would otherwise be held.

2. *Repeal.* The Act of the session of the fourth and fifth years of the reign of King William the Fourth, chapter forty-seven, intituled "An Act for preventing the interference of the spring assizes with the April quarter sessions," is hereby repealed.

3. *Short title.* This Act may be cited as the Quarter Sessions Act, 1894.

CHAPTER 7.

[*Consolidated Fund (No. 2) Act*, 1894.]

An Act to apply a sum out of the Consolidated Fund to the service of the year ending on the thirty-first day of March one thousand eight hundred and ninety-five.
[1st June 1894.]

CHAPTER 8.

[*Industrial and Provident Societies Act*, 1894.]

An Act to amend the Industrial and Provident Societies Act, 1893, in so far as it relates to the Island of Jersey.
[18th June 1894.]

CHAPTER 9.

[*Solicitors Act*, 1894.]

An Act to amend the provisions of the Solicitors Act, 1877, relating to the Examination of persons applying to be admitted Solicitors of the Supreme Court in England.
[18th June 1894.]

Be it enacted, &c.:

1. *Short title and construction.* This Act may be cited as the Solicitors Act, 1894, and shall be construed together with the Solicitors Act, 1877.

2. *Interpretation.* Words and expressions to which meanings are assigned by the Solicitors Act, 1877 [40 & 41 Vict. c. 25], have in this Act the same respective meanings.

3. *Power of Society to exempt from intermediate examination persons who have taken certain degrees, &c.* It shall be lawful for the Incorporated Law Society by regulations made under section six of the Solicitors Act, 1877, to exempt from the whole or from any part of the intermediate examination persons who have, before the passing of this Act, obtained, or who shall hereafter obtain, the degree of bachelor of civil law or bachelor of laws or bachelor of law or a certificate of having passed the examination required for such degree at any university in the United Kingdom, or any such other degree or distinction in any school or faculty of law or jurisprudence at any university in the United Kingdom as shall be from time to time specified in the regulations.

A person exempted from the whole of the intermediate examination may be admitted as a solicitor without a certificate of having passed such examination, and a person exempted from part of the intermediate examination may be admitted as a solicitor if he has obtained a certificate of having passed the part or parts of the examination from which he is not exempted.

CHAPTER 10.

[*Trustee Act*, 1893, *Amendment Act*, 1894.]

An Act to amend the Trustee Act, 1893.
[18th June 1894.]

Be it enacted, &c.:

1. *Amendment of 56 & 57 Vict. c. 53, s. 30.* In section thirty of the Trustee Act, 1893, the words "as heir, or under the will of a deceased person, for payment of whose debts the judgment was given or order made" shall be repealed.

2. *Extension to Ireland of 56 & 57 Vict. c. 53, s. 41.* The powers conferred on the High Court in England by section forty-one of the Trustee Act, 1893, to make vesting orders as to all land and personal estate in Her Majesty's dominions except Scotland, are hereby also given to and may be exercised by the High Court in Ireland.

3. *Amendment of 56 & 57 Vict. c. 53, s. 44.* In section forty-four of the Trustee Act, 1893, after the word "trustee" in the first two places where it occurs shall be inserted the words "or other person."

4. *Liability of trustee in case of change of character of investment.* A trustee shall not be liable for breach of trust by reason only of his continuing to hold an investment which has ceased to be an investment authorized by the instrument of trust or by the general law.

5. *Short title.* This Act may be cited as the Trustee Act, 1893, Amendment Act, 1894.

CHAPTER 11.

[*Public Works Loans Act, 1894.*]

An Act to grant Money for the purpose of certain Local Loans, and for other purposes relating to Local Loans. [18th June 1894.]

CHAPTER 12.

[*Indian Railways Act, 1894.*]

An Act to enable Indian Railway Companies to pay Interest out of Capital during construction. [3rd July 1894.]

Be it enacted, &c.:

1. *Short Title.*] This Act may be cited as the Indian Railways Act, 1894.

2. *Definitions.*] The expression "the Secretary of State" means the Secretary of State in Council of India:

The expression "Indian Railway Company" means a company registered under the Companies Acts, 1862 to 1890, or any of them, and formed for the purpose of making and working, or making or working a railway in India, whether alone or in conjunction with other purposes:

The expression "the railway" means the railway in relation to the construction of which interest out of capital is permitted to be paid as hereinafter provided.

3. *Payment of interest out of capital.*] An Indian Railway Company may pay interest on its paid-up share capital out of capital, for the period, and subject to the conditions and restrictions in this section mentioned, and may charge the same to capital as part of the cost of construction of the railway:

- (1.) Such interest shall be paid only for such period as shall be determined by the Secretary of State; and such period shall in no case extend beyond the close of the half year next after the half year during which the railway shall be actually completed and opened for traffic:
- (2.) No such payment shall be made unless the same is authorized by the Company's memorandum of association or by special resolution of the Company:
- (3.) No such payment, whether authorized by the memorandum of association or by special resolution, shall be made without the previous sanction of the Secretary of State:
- (4.) The amount so paid out of capital by way of interest, in respect of any period, shall in no case exceed a sum which shall, together with the net earnings of the railway during such period, make up the rate of four per cent. per annum:
- (5.) No such payment of interest shall be made until such Company has satisfied the Secretary of State that two-thirds at least of its share capital, in respect whereof interest is to be so paid, has been actually issued and accepted, and is held by shareholders who, or whose executors, administrators, or assigns, are legally liable for the same:
- (6.) No such interest shall accrue in favour of any shareholder for any time during which any call on any of his shares is in arrear:
- (7.) The payment of such interest shall not operate as a reduction of the amount paid up on the shares in respect of which it is paid.

4. *Additional share capital for extensions.*] If an Indian Railway Company is about to make and work, or to make or work, a railway in addition to, or by way of extension of, a railway owned or worked by such Company, and for that purpose issues further share capital in addition to the capital already issued by it, such Company may pay interest upon such further share capital out of capital, for the period and subject to the conditions and restrictions in the last preceding section mentioned, the words in that section, "the railway," being read as applying to such addition or extension exclusively.

5. *Notice in prospectus and other documents.*] When a Company has power to pay interest under this Act, notice to that effect shall be given in every prospectus, advertisement, or other document in-

ving subscriptions for shares, and in every certificate of shares.

6. *Accounts.*] When any interest has been paid by a Company under this Act, the annual or other accounts of such Company shall shew the amount on which, and the rate at which interest has been so paid.

7. *Construction of borrowing powers.*] If by any memorandum of association, articles of association, or other document any power of borrowing money is conferred on an Indian Railway Company, or on its directors, with or without the sanction of any meeting, and if such power of borrowing is limited to an amount bearing any proportion to the capital of such Company, the amount of capital applied or to be applied in payment of interest under this Act shall, for the purpose of ascertaining the extent of such power of borrowing, be deducted from the capital of such Company.

8. *Sanction of past payments.*] Where an Indian Railway Company at any time before the passing of this Act has with the sanction of the Secretary of State paid interest out of capital, such payment shall be as valid as if it had been made pursuant to this Act.

9. *Duration of Act.*] This Act shall continue in force until the thirty-first day of December one thousand nine hundred and five, and to the end of the then next session of Parliament, and no longer, unless Parliament shall otherwise determine. Provided that all interest, the payment of which shall have been sanctioned by the Secretary of State under this Act, shall continue to be payable to the same extent and for the same period as if this Act had not expired.

CHAPTER 13.

[*Arbitration (Scotland) Act, 1894.*]

An Act to amend the Law of Arbitration in Scotland. [3rd July 1894.]

CHAPTER 14.

[*Fishery Board (Scotland) Extension of Powers Act, 1894.*]

An Act to extend the powers of the Fishery Board for Scotland in relation to Harbours and Piers. [3rd July 1894.]

CHAPTER 15.

[*Music and Dancing Licences (Middlesex) Act, 1894.*]

An Act to amend the Law as regards Music and Dancing Licences in Middlesex. [3rd July 1894.]

Be it enacted, &c.:

1. *Short title.*] This Act may be cited for all purposes as the Music and Dancing Licences (Middlesex) Act, 1894.

2. *Music and dancing licences.*] For the regulation of places ordinarily used for public dancing or music, or other public entertainment of the like kind, the following provisions shall have effect in the administrative county of Middlesex; namely,

- (1.) After the thirty-first day of December one thousand eight hundred and ninety-four, a house, room, garden, or other place, whether licensed or not for the sale of wines, spirits, beer, or other fermented or distilled liquors, shall not be kept or used for public dancing, singing, music, or other public entertainment of the like kind, without a licence for the purpose or purposes for which the same respectively is to be used first obtained from the County Council of Middlesex and for the registration thereof a fee of five shillings shall be paid by the person applying therefor; provided that such fee shall in no case be payable by any applicant in respect of any licence granted for the purpose of a charitable or other like entertainment:
- (2.) The County Council may at any meeting convened with fourteen days' previous notice, or at any adjournment thereof, grant licences to such persons as they think

fit to keep or use houses, rooms, gardens, or places for all or any of the purposes aforesaid upon such terms and conditions, and subject to such restrictions, as they by the respective licences determine, and every licence shall be in force for one year or for such shorter period as the County Council on the grant of the licence shall determine, unless the same shall have been previously revoked as herein-after provided:

- (3.) The County Council may from time to time at any such meeting aforesaid transfer any such licence to such person as they think fit:
- (4.) Each person shall in each case give fourteen days' notice to the clerk of the County Council and to the superintendent of police of the police division in which the house, room, garden, or place is situated, of his intention to apply for any such licence, or for the transfer of any such licence:
- (5.) Any house, room, garden, or place kept or used for any of the purposes aforesaid without such licence first obtained shall be deemed a disorderly house, and the person occupying, or rated as occupier of, the same shall be liable on summary conviction to a penalty not exceeding five pounds for every day on which the same is kept or used for any of the purposes aforesaid; and it shall be lawful for any constable, being thereunto authorized by warrant under the hand of one of Her Majesty's justices of the peace for the county of Middlesex, to enter any such house, room, garden, or place so kept or used without such licence as aforesaid, and to apprehend every person who shall be found therein in order that they may be dealt with according to law.
- (6.) There shall be affixed and kept up in some conspicuous place on the door or entrance of every house, room, garden, or place so kept or used and so licensed as aforesaid an inscription in large capital letters in the words following: "Licensed in pursuance of Act of Parliament for" with the addition of words shewing the purpose or purposes for which the same is licensed:
- (7.) Any house, room, garden, or place so kept or used, although so licensed as aforesaid, shall not be opened for any of the said purposes except on the days and between the hours stated in the licence: Provided that no such house, room, garden, or other place so kept or used shall be open for any of the purposes aforesaid after midnight and before the hour of noon; save that if on any special occasion an occasional licence of exemption shall have been granted under the twenty-ninth section of the Licensing Act, 1873 [35 & 36 Vict. c. 94], in respect of any house, room, garden, or other place licensed under this Act, no penalty shall be incurred on account of such house, room, garden, or other place being kept open for any of the purposes aforesaid on such special occasion from midnight until the hour specified in such occasional licence as the hour for closing.
- (8.) The affixing and keeping up of such inscription as aforesaid, and the observance of the days and hours of opening and closing shall be inserted in and made a condition of every such licence:
- (9.) In case of any breach or disregard of any of the terms or conditions upon or subject to which the licence was granted, the holder thereof shall be liable on summary conviction to a penalty not exceeding twenty pounds, and in the case of a continuing offence to a daily penalty (i.e., a penalty for each day on which such offence is continued after conviction therefor) not exceeding five pounds, and such licence shall be liable to be revoked by the order of the County Council:
- (10.) No notice need be given under sub-section (4) of this section when the application is for a renewal of any existing licence held by the applicant for the same premises:
- (11.) The County Council may, if and as they think fit, grant to any person applying for the same a licence to keep or use any house,

room, garden, or place for any purpose within the meaning of this section for any period not exceeding fourteen days, which they shall specify in such licence, notwithstanding that no notice shall have been given under sub-section (4) of this section:

- (12.) From and after the passing of this Act sections two and three of the Disorderly Houses Act, 1751 [25 Geo. 2, c. 36], and the whole of the Public Entertainments Act, 1875 [38 & 39 Vict. c. 21], shall be repealed so far as relates to the administrative county of Middlesex:
- (13.) Nothing in this Act shall be deemed to interfere with any other enactment respecting the prosecution of persons keeping disorderly houses:
- (14.) The powers by this Act conferred upon the County Council shall be in addition to and not in derogation of any of the powers of licensing now vested in the County Council.

CHAPTER 16.

[*Supreme Court of Judicature (Procedure) Act, 1894.*]

An Act to amend the Supreme Court of Judicature Acts. [3rd July 1894.]

Be it enacted, &c.:

Appeals.

1. *Regulations as to appeals.* (1) No appeal shall lie—

(a) from an order allowing an extension of time for appealing from a judgment or order; nor

(b) without the leave of the Judge, or of the Court of Appeal, from any interlocutory order or interlocutory judgment made or given by a Judge, except in the following cases, namely—

- (i.) where the liberty of the subject or the custody of infants is concerned; and
- (ii.) cases of granting or refusing an injunction or appointing a receiver; and
- (iii.) any decision determining the claim of any creditor or the liability of any contributory, or the liability of any director or other officer under the Companies Acts, 1862 to 1890, in respect of misfeasance or otherwise; and
- (iv.) any decree nisi in a matrimonial cause, and any judgment or order in an admiralty action determining liability; and
- (v.) any order on a special case stated under the Arbitration Act, 1889 [52 & 53 Vict. c. 49]; and
- (vi.) such other cases, as may be prescribed by rules of court, as may in the opinion of the authority for making such rules be of the nature of final decisions.

(2.) An order refusing unconditional leave to defend an action shall not be deemed to be an interlocutory order within the meaning of this section.

(3.) No appeal shall lie from an order of a Judge giving unconditional leave to defend an action.

(4.) In matters of practice and procedure every appeal from a Judge shall be to the Court of Appeal.

(5.) In all cases where there is a right of appeal to the High Court from any court or person, the appeal shall be heard and determined by a Divisional Court constituted as may be prescribed by rules of court; and the determination thereof by the Divisional Court shall be final, unless leave to appeal is given by that Court or by the Court of Appeal.

(6.) An application for leave to appeal may be made *ex parte* or otherwise, as may be prescribed by Rules of Court.

2. *Appeals from quarter sessions.* (1.) Every case stated by a court of quarter sessions otherwise than under the Acts eleven and twelve Victoria, chapter seventy-eight, and twelve and thirteen Victoria,

chapter forty-five, for the consideration of the High Court shall be deemed to be an appeal, and shall be heard and determined accordingly.

(2.) On the hearing of any appeal from a court of quarter sessions the appellate court may draw any inference of fact which might have been drawn in the court of quarter sessions, and may give any judgment or make any order which ought to have been given or made by that court, or may remit the order, and in criminal matters the conviction with the order, and the case stated on it, with the opinion or direction of the appellate court, for re-hearing and determination by the court of quarter sessions, or may remit the case for re-statement.

(3.) On the hearing of any such appeal the appellate court shall have full power to determine how and by whom the costs of the proceedings in the appellate court and in the court of quarter sessions are to be borne.

(4.) The judgment on any such appeal, or, where an appeal to a court of quarter sessions has been directed to be entered for re-hearing, then that appeal shall, on motion by any party to the appeal, be entered at the sessions next or next but one after the delivery of the judgment, or the giving of the direction, and shall, unless the appellate court otherwise directs, have effect as if the judgment had been given, or, in case of an appeal directed to be re-heard, the appeal had been heard and determined, by the court of quarter sessions at the time of the decision in respect of which the appeal from quarter sessions was brought, and entry and respite of any appeal to quarter sessions in respect of which a case has been stated for the consideration of the High Court shall not be necessary.

Rules of Court.

3. *Explanation of power to make rules.* It is hereby declared that the power to make rules conferred by the Judicature Acts, 1873 to 1891, includes power to make rules for regulating the means by which particular facts may be proved and the mode in which evidence thereof may be given:—

(a.) On any application in any matter or proceeding relating to the distribution of any fund or property, whether in court or not; and

(b.) On any application upon summons for directions pursuant to such rules.

4. *Amendment of provisions as to Rule Committee.* The persons in whom the power of making rules of court pursuant to section seventeen of the Appellate Jurisdiction Act, 1876 [39 & 40 Vict. c. 59], and section nineteen of the Supreme Court of Judicature Act, 1881 [44 & 45 Vict. c. 68], is vested, shall include the President of the Incorporated Law Society for the time being, and shall also include two persons (one of whom shall be a practising barrister) to be appointed for the purpose in the same manner as the four judges in the last-mentioned section referred to.

5. *Power to make rules of court as to enactments in schedule.* The power to make rules conferred by the Judicature Acts, 1873 to 1891, shall include power to make rules with respect to the matters contained in and regulated by the enactments described in the schedule to this Act.

6. *Rules as to payments out of court.* Rules made by the Lord Chancellor with the concurrence of the Treasury under the Chancery Funds Act, 1872 [35 & 36 Vict. c. 44], or the Supreme Court of Judicature (Funds, &c.) Act, 1883 [46 & 47 Vict. c. 29], may determine the smallest amount which shall, notwithstanding any order of the court, be paid by the Paymaster-General: Provided as follows:—

(1.) Nothing in this section shall apply to any periodical payments of annuities, or of dividends or interest of funds in court;

(2.) The amount so determined shall not exceed one shilling; and

(3.) Any sums retained by the Paymaster-General in accordance with any such rule shall, in such manner as the Treasury may direct, be either paid into the Exchequer or appropriated in aid of the moneys granted by Parliament for the expenses of the Supreme Court.

Short Title.

7. *Short title and commencement.* This Act may be cited as the Supreme Court of Judicature (Procedure) Act, 1894, and shall be read with the Judicature Acts, 1873 to 1891, and shall come into operation at the expiration of two months after the passing thereof.

SCHEDULE.

Session and Chapter.	Title or Short Title.	—
8 & 9 Will. 3, c. 11	An Act for the better preventing frivolous and vexatious suits	Section eight
39 & 40 Geo. 3, c. 36	An Act the title of which begins with the words "An Act to enable courts of equity" and ends with the words "party thereto"	The whole Act
10 Geo. 4, c. 13	An Act to provide for moneys paid into court under Acts afterwards repealed	The whole Act
3 & 4 Will. 4, c. 42	An Act for the further amendment of the law and the better advancement of justice	Sections sixteen and eighteen
1 & 2 Vict. c. 110	An Act the title of which begins with the words "An Act for abolishing arrest" and ends with the words "debtors in England"	Sections fourteen & fifteen
3 & 4 Vict. c. 82	An Act for further amending the Act for abolishing arrest in mesne process in civil actions	Section one
5 Vict. c. 5	An Act to make further provisions for the administration of justice	Section four
15 & 16 Vict. c. 76	The Common Law Procedure Act, 1852.	Section one hundred & thirty-two
23 & 24 Vict. c. 126	The Common Law Procedure Act, 1860	Section seventeen
30 & 31 Vict. c. 47	An Act the title of which begins with the words "An Act to amend" and ends with the words "Crown debt and on judgments"	The whole Act
31 & 32 Vict. c. 40	The Partition Act, 1868	The whole Act
39 & 40 Vict. c. 17	The Partition Act, 1876	The whole Act

CHAPTER 17.

[*Colonial Officers (Leave of Absence) Act, 1894.*]

An Act to regulate the Conditions as to Leave of Absence for certain Colonial Officers.

[3rd July 1894.]

CHAPTER 18.

[*Burgh Police (Scotland) Act, 1892, Amendment Act, 1894.*]

An Act to amend the Burgh Police (Scotland) Act, 1892.

[20th July 1894.]

CHAPTER 19.

[*Merchandise Marks (Prosecutions) Act, 1894.*]

An Act for enabling the Board of Agriculture

to undertake Prosecutions in certain cases under the Merchandise Marks Act, 1887.

[20th July 1894.]

Be it enacted, &c. :

1. *Power of Board of Agriculture to prosecute in certain cases.* The powers exercisable by the Board of Trade under the Merchandise Marks Act, 1891 [54 & 55 Vict. c. 15], with respect to the prosecution of offences under the Merchandise Marks Act, 1887 [50 & 51 Vict. c. 28], may in cases which appear to the Board of Agriculture to relate to agricultural or horticultural produce be exercised by that Board, and in such cases the former Act shall apply as if the Board of Agriculture were referred to therein instead of the Board of Trade.

2. *Extent of Act.* This Act shall not extend to Ireland.

3. *Short title.* This Act may be cited as the Merchandise Marks (Prosecutions) Act, 1894, and shall be read with the Merchandise Marks Acts, 1887 and 1891.

CHAPTER 20.

[*Public Libraries (Scotland) Act*, 1894.]

An Act to amend the Public Libraries Consolidation (Scotland) Act, 1887.

[20th July 1894.]

CHAPTER 21.

[*Bishopric of Bristol Amendment Act*, 1894.]

An Act to amend the Bishopric of Bristol Act, 1884.

[20th July 1894.]

CHAPTER 22.

[*Injured Animals Act*, 1894.]

An Act to enable police constables to cause horses and certain other animals when mortally or seriously injured to be slaughtered.

[20th July 1894.]

Be it enacted, &c. :

1. *Short title.* This Act may be cited for all purposes as the Injured Animals Act, 1894.

2. *Slaughter of injured animals by or by order of police.* If a police constable finds any horse, mule, or ass so severely injured that it cannot without cruelty be led away, he shall, if the owner is absent or refuses to consent to the destruction of the animal, at once summon a duly registered veterinary surgeon, if any such surgeon resides within a reasonable distance, and if it appears by the certificate of such veterinary surgeon that the animal is mortally injured or so severely that it is cruel to keep it alive, it shall be lawful for the police constable without the consent of the owner to slaughter the animal or cause it to be slaughtered with such instruments or appliances, and with such precautions and in such manner as to inflict as little pain and suffering as practicable.

3. *Expenses.* Any reasonable expense which may be incurred by any constable in so slaughtering any such animal or causing any such animal to be slaughtered, or in removing the carcass of such animal from any street or public place for the purposes of this Act, may be recovered from the owner summarily as a civil debt. Subject as aforesaid, any expense incurred in the execution of this Act shall be defrayed out of the fund from which the expenses of the police are payable in the area in which the animal is found.

CHAPTER 23.

[*Commissioners of Works Act*, 1894.]

An Act to amend the Commissioners of Works Act, 1852, and for other purposes relating to the Commissioners of Works.

[20th July 1894.]

Be it enacted, &c. :

1. *Provisions as to sales, purchases, &c., under 15 & 16 Vict. c. 28.* (1.) For the purpose of the purchase of land by the Commissioners of Works, the Lands Clauses Acts (except the provisions thereof relating to the purchase and taking of land otherwise than by agreement) shall be incorporated with the Commissioners of Works Act, 1852.

(2.) In the case of any purchase, sale, exchange, or lease by the Commissioners of Works under the Commissioners of Works Act, 1852 [15 & 16 Vict. c. 28], it shall not be necessary for any vendor, purchaser, lessor, or lessee to ascertain whether the consent of the Treasury has been given to the purchase, sale, exchange, or lease.

(3.) Every instrument whereby any land or interest in land in England or Wales is conveyed or assigned to or by the Commissioners of Works under or for the purposes of the Commissioners of Works Act, 1852, shall be enrolled in the central office of the Supreme Court of Judicature, and, if so enrolled, shall not require any other enrolment, acknowledgment, or registry. Provided that this sub-section shall not apply to any instrument relating to land the title of which has been registered under the Land Registry Act, 1862 [25 & 26 Vict. c. 53], or the Land Transfer Act, 1875 [38 & 39 Vict. c. 87].

(4.) The enactment mentioned in the schedule to this Act is hereby repealed as regards England and Wales to the extent mentioned in the third column of that schedule.

2. *Provision as to office of Civil Service Commission.* The building and land now in the occupation of the Civil Service Commission shall be under the management of the Commissioners of Works, and the provisions of the Acts relating to the Commissioners of Works shall apply to that building and land as if they had been acquired by the Commissioners of Works in pursuance of those Acts.

3. *Explanation of powers as to site of Millbank Prison.* It is hereby declared that the powers of sale and leasing exercisable by the Commissioners of Works with respect to the site of Millbank Prison extend to the site of the chapel formerly attached to that prison.

4. *Short title.* This Act may be cited as the Commissioners of Works Act, 1894.

SCHEDULE.

ENACTMENT REPEALED.

Session and Chapter.	Short Title.	Extent of Repeal.
15 & 16 Vict. c. 28	The Commissioners of Works Act, 1852	Section two, from "and so as every conveyance" to "as the case may be"

CHAPTER 24.

[*Wild Birds Protection Act*, 1894.]

An Act to amend the Wild Birds Protection Act, 1880.

[20th July 1894.]

Be it enacted, &c. :

1. *Short title and construction.* This Act may for all purposes be cited as the Wild Birds Protection Act, 1894, and shall be construed as one with the Wild Birds Protection Act, 1880 [43 & 44 Vict. c. 35] (herein-after referred to as "the principal Act"), except as herein-after provided.

2. *Prohibition of taking or destroying eggs.* A Secretary of State may, after the passing of this Act, upon application by the county council of any administrative county by order prohibit—

(1.) The taking or destroying of wild birds' eggs in any year or years in any place or places within that county; or

(2.) The taking or destroying the eggs of any specified kind of wild birds within that county or part or parts thereof, as recommended by the said county council and set forth in the said order.

(3.) The application by the county council shall specify the limits of the place or places, or otherwise, the particular species of wild birds to which it is proposed that any prohibition in the order is to apply, and shall set forth the reasons on account of which the application is made.

3. *Order as to application of principal Act to other birds.* A Secretary of State may, on the representation of the council of any administrative county, order that the principal Act shall apply within that county or parts thereof to any species of wild bird not included in the schedule of that Act, as if that species of wild bird were included in the schedule of that Act, and on the making of such order that Act shall apply accordingly.

4. *Publication of order.* (1.) The council of an administrative county shall in every year give public notice of any order under this Act which is in force in any place within their county during the three weeks preceding the commencement of the period of the year during which the order operates.

(2.) Public notice under this section shall be given—

(a.) As regards each place in which an order operates, by advertising the order in two local newspapers circulating in or near that place;

(b.) By fixing notices of the order in conspicuous spots within and near each place in which the order operates; and

(c.) In such other manner as the Secretary of State may direct, or as the council may think expedient, with a view to making the order known to the public.

5. *Penalties.* Any person who, after the passing of this Act, shall take or destroy, or incite any other person to take or destroy—

(a.) the eggs of any wild birds within any area specified in the order; or

(b.) the eggs of any species of wild bird named in the order, shall, on conviction before any two justices of the peace in England, Wales, or Ireland, or before the sheriff in Scotland, forfeit and pay for every egg so taken or destroyed a sum not exceeding one pound.

6. *Expenses.* Any expenses incurred by the council of a county under this Act may be defrayed by that county as expenses for general county purposes within the meaning of the Local Government Act, 1888 [51 & 52 Vict. c. 41], or, so far as respects Scotland, the Local Government (Scotland) Act, 1889 [53 & 54 Vict. c. 50].

7. *Application to Scotland and Ireland.* (1.) This Act shall apply to Scotland with the substitution of the Secretary for Scotland for a Secretary of State.

(2.) This Act shall apply to Ireland with the substitution of the Lord Lieutenant for a Secretary of State, and of the grand jury for the council of an administrative county, and any expenses incurred in carrying this Act into effect in Ireland shall be defrayed out of grand jury cess.

CHAPTER 25.

[*Outdoor Relief Friendly Societies Act*, 1894.]

An Act to empower Boards of Guardians to grant Relief to Members of Friendly Societies in receipt of any allowances from the same.

[20th July 1894.]

Be it enacted, &c. :

1. *Outdoor relief to members of friendly societies.* Notwithstanding any orders or regulations of the Poor Law Commissioners or the Local Government Board under and by virtue of the Poor Law Amendment Act, 1834 [4 & 5 Will. 4. c. 76], or of any Act amending the said Act, it shall be lawful for any board of guardians, if they think fit, to grant relief out of the poor rates to any person otherwise entitled to such relief, notwithstanding that the said person shall, by reason of his membership of a friendly society, be in receipt of any sum, and that in estimating the amount of the relief that shall be granted to such person being a member of a friendly society as aforesaid, it shall be at the discretion of the board of guardians whether they will or will not take into consideration the amount which may be received by him from such friendly society.

2. *Extent of Act.* This Act shall not extend to Scotland or Ireland.

3. *Short title.* This Act may be cited as the Outdoor Relief Friendly Societies Act, 1894.

CHAPTER 26.

[Sea Fisheries (Shell Fish) Regulation Act,
1894.]

An Act to extend the Powers of Local Fisheries Committees with respect to Fisheries for Shell Fish. [20th July 1894.]

Be it enacted, &c.:

1. *Extension of powers of local fisheries committees with respect to shell fish.* (1.) The powers of a local fisheries committee to make byelaws in pursuance of section two of the Sea Fisheries Regulation Act, 1888 [51 & 52 Vict. c. 54], shall extend to making byelaws to be observed within their district for the regulation, protection, and development of fisheries for all or any specified kinds of shell fish, and any such byelaws may provide, amongst other things, for

- (a) the fixing of the sizes and condition at which shell fish may not be removed from a fishery, and the mode of determining such sizes;
- (b) the obligation to re-deposit in specified localities any shell fish the removal or possession of which is prohibited by or in pursuance of any Act of Parliament;
- (c) the protection of shell fish laid down for breeding purposes;
- (d) the protection of culch and other material for the reception of spat, that is to say, of the spawn or young of any kinds of shell fish; and
- (e) the obligation to re-deposit such culch and other material in specified localities.

(2.) A local fisheries committee shall have power to stock or re-stock any public fishery for shell fish, and for that purpose to incur such expenses as may be sanctioned by the Board of Trade.

(3.) For the purposes of this Act the expression "shell fish" shall include all kinds of molluscs and crustaceans.

2. *Short title.* This Act may be cited as the Sea Fisheries (Shell Fish) Regulation Act, 1894, and the Sea Fisheries Regulation Act, 1888 [51 & 52 Vict. c. 54] and 1891 [54 & 55 Vict. c. 37], and this Act may be cited collectively as the Sea Fisheries Regulation Acts, 1888 to 1894.

CHAPTER 27.

[Prevention of Cruelty to Children (Amendment) Act, 1894.]

An Act to amend the Law for the Prevention of Cruelty to Children. [20th July 1894.]

[Consolidated with the Prevention of Cruelty to, and Protection of, Children Act, 1889, and repealed by the Prevention of Cruelty to Children Act, 1894 (*post*, c. 41).]

CHAPTER 28.

[Notice of Accidents Act, 1894.]

An Act for providing for notice of and inquiry into Accidents occurring in certain Employments and Industries. [20th July 1894.]

Be it enacted, &c.:

1. *Notice to Board of Trade of accidents in certain employments.* (1.) Where there occurs in any employment to which this section applies any accident which causes to any person employed therein either loss of life or such bodily injury as to prevent him on any one of the three working days next after the occurrence of the accident from being employed for five hours on his ordinary work, his employer shall, as soon as possible and, in case of an accident not resulting in death, not later than six days after the occurrence of the accident, send to the Board of Trade notice in writing of the accident, specifying the time and place of its occurrence, its probable cause, the name and residence of any person killed or injured, the work on which any such person was employed at the time of the accident, and, in the case of an injury, the nature of the injury.

(2.) If any person wilfully makes default in complying with the requirements of this section he shall be liable on summary conviction to a fine not exceeding forty shillings.

(3.) For the purpose of this section the expression "working day" shall mean a day on which the person injured would, but for the injury, be employed in his ordinary work.

2. *Application of provisions as to notice.* (1.) Section one of this Act shall apply to the employments specified in the schedule to this Act.

(2.) If the Board of Trade are of opinion that any other employment in which twenty persons or more, not being domestic servants, are employed by the same employer, is specially dangerous to life or limb, the Board may, by order, direct that section one of this Act shall apply to that employment, and thereupon, while the order is in force, that section shall apply accordingly.

(3.) The Board of Trade may, by order, revoke or modify any order made under the foregoing powers, and modify or limit the application of section one of this Act to the employments specified in the schedule to this Act.

(4.) The Board of Trade may also, by order, require any further particulars to be specified in the notice to be sent in pursuance of section one of this Act.

(5.) Every order made under this section shall be notified in the London Gazette and in such other manner as may appear to the Board of Trade sufficient for giving publicity thereto, and shall be laid before both Houses of Parliament as soon as may be after it is made.

3. *Power to hold formal investigation in case of serious accidents.* Where it appears to the Board of Trade that any accident involving loss of life or bodily injury is of sufficient importance to require a formal investigation of the accident, and of its causes and circumstances, the Board may by order direct such investigation to be held, and with respect to any such investigation the following provisions shall have effect:—

(1.) The Board may appoint a competent person to hold the investigation, and may appoint any person possessing legal, medical, or special knowledge to act as assessor in holding the investigation, and may assign to any such person such remuneration as the Board, with the approval of the Treasury, determine:

(2.) The person appointed to hold the investigation (herein-after called the court) shall hold the same in open court in such manner and under such conditions as the court may think most effectual for ascertaining the causes and circumstances of the accident, and enabling the court to make the report in this section mentioned:

(3.) The court shall have for the purpose of the investigation all the powers of a court of summary jurisdiction when acting as a court in the exercise of its ordinary jurisdiction, and all the powers of an inspector under the Railway Regulation Acts, 1840 to 1889, and in addition the following powers; namely:—

(a.) Power to enter and inspect, or to authorize any person to enter and inspect, any place or building the entry or inspection whereof appears to the court requisite for the said purpose;

(b.) Power, by summons signed by the court, to require the attendance of all such persons as it thinks fit to call before it and examine for the said purpose, and for that purpose to require answers or returns to such inquiries as it thinks fit to make;

(c.) Power to require the production of all books, papers, and documents which it considers important for the said purpose;

(d.) Power to administer an oath and require any person examined to make and sign a declaration of the truth of the statements made by him in his examination:

(4.) Every person attending as a witness before the court, and not being the employer of the person killed or injured, or in the employment of that employer, shall be allowed such expenses as would be allowed to a witness attending before a court of record, and in case of dispute as to the amount to be allowed the same shall be referred by the

court to a master of the Supreme Court, who on request signed by the court shall ascertain and certify the proper amount of the expenses:

(5.) The court holding an investigation under this section shall make a report to the Board of Trade, stating the causes of the accident and its circumstances, and adding any observations which the court thinks right to make, and the Board may cause any such report to be made public in such manner as the Board think fit:

(6.) The court may order any costs and expenses incurred in and about an investigation under this section (including any remuneration payable to any person appointed to hold the investigation or to act as assessor) to be paid by any person summoned before it, if it finds that the accident was due to the act or default or negligence of that person; and any such order shall, on the application of any person entitled to the benefit thereof, be enforced by any court of summary jurisdiction as if the costs and expenses were a penalty imposed by the court: but subject to any such order such costs and expenses shall be deemed to be part of the expenses of the Board of Trade in the execution of this Act:

(7.) If any person without reasonable excuse (proof whereof shall lie on him) either fails, after having had the expenses (if any) to which he is entitled tendered to him, to comply with any summons or requisition of a court holding an investigation under this section, or prevents or impedes the court in the execution of its duty, he shall for every such offence be liable, on summary conviction, to a fine not exceeding ten pounds, and in the case of a failure to comply with a requisition for making any return or producing any document shall be liable, on summary conviction, to a fine not exceeding ten pounds for every day that such failure continues.

4. *Expenses of Board of Trade.* The expenses of the Board of Trade in the execution of this Act shall be defrayed out of moneys to be provided by Parliament.

5. *Application to Government departments.* This Act shall apply in the case of accidents occurring to persons employed by a department of the Government, and in such cases the notice to be given by the employer shall be given by such person as the department by general rule direct.

6. *Savings.* Nothing in this Act shall apply to any employment which is for the time being regulated by any Act of Parliament administered by the Secretary of State or by inspectors appointed by him, or shall require notice to be given of any accident of which notice is required by any other Act to be given to the Board of Trade.

7. *Application to Scotland.* In the application of this Act to Scotland:—

The expression "court of summary jurisdiction" shall mean the sheriff:

The expression "master of the Supreme Court" shall mean the auditor of the Court of Session.

Every order made under this Act and required to be notified in the London Gazette, shall, if it relates to Scotland, be notified in the Edinburgh Gazette.

8. *Application to Ireland.* In the application of this Act to Ireland the expression "master of the Supreme Court" shall mean a taxing master of the Supreme Court.

Every order made under this Act and required to be notified in the London Gazette, shall, if it relates to Ireland, be notified in the Dublin Gazette.

9. *Short title.* This Act may be cited as the Notice of Accidents Act, 1894.

SCHEDULE.

1. Construction, use, working, or repair of any railway, tramroad, tramway, gaswork, canal, bridge, tunnel, harbour, dock, port, pier, quay, or other work authorised by any local or personal Act of Parliament.

2. Construction or repair by means of a scaffolding of any building which exceeds thirty feet in height, or use or working of any such building in which more than twenty persons, not being domestic servants, are employed for wages.

3. Use or working of any traction engine or other engine or machine worked by steam in the open air.

CHAPTER 29.

[Consolidated Fund (No. 3) Act, 1894.]

An Act to apply a sum out of the Consolidated Fund to the service of the year ending on the thirty-first day of March one thousand eight hundred and ninety-five. [31st July 1894.]

CHAPTER 30.

[Finance Act, 1894.]

An Act to grant certain Duties of Customs and Inland Revenue, to alter other Duties, and to amend the Law relating to Customs and Inland Revenue, and to make other provision for the financial arrangements of the year. [31st July 1894.]

Be it enacted, &c. :

PART I.

ESTATE DUTY.

Grant of Estate Duty.

1. *Grant of Estate Duty.* In the case of every person dying after the commencement of this Part of this Act, there shall, save as herein-after expressly provided, be levied and paid, upon the principal value ascertained as herein-after provided of all property, real or personal, settled or not settled, which passes on the death of such person a duty, called "Estate duty," at the graduated rates herein-after mentioned, and the existing duties mentioned in the First Schedule to this Act shall not be levied in respect of property chargeable with such Estate duty.

2. *What property is deemed to pass.* (1.) Property passing on the death of the deceased shall be deemed to include the property following, that is to say:—

- (a.) Property of which the deceased was at the time of his death competent to dispose;
- (b.) Property in which the deceased or any other person had an interest ceasing on the death of the deceased, to the extent to which a benefit accrues or arises by the ceasing of such interest; but exclusive of property the interest in which of the deceased or other person was only an interest as holder of an office, or recipient of the benefits of a charity, or as a corporation sole;
- (c.) Property which would be required on the death of the deceased to be included in an account under section thirty-eight of the Customs and Inland Revenue Act, 1881 [44 & 45 Vict. c. 12], as amended by section eleven of the Customs and Inland Revenue Act, 1889 [52 & 53 Vict. c. 7], if those sections were herein enacted and extended to real property as well as personal property, and the words "voluntary" and "voluntarily" and a reference to a "volunteer" were omitted therefrom; and
- (d.) Any annuity or other interest purchased or provided by the deceased, either by himself alone or in concert or by arrangement with any other person, to the extent of the beneficial interest accruing or arising by survivorship or otherwise on the death of the deceased.

(2.) Property passing on the death of the deceased when situate out of the United Kingdom shall be included only, if, under the law in force before the passing of this Act, legacy or succession duty is payable in respect thereof, or would be so payable but for the relationship of the person to whom it passes.

(3.) Property passing on the death of the deceased shall not be deemed to include property held by the deceased as trustee for another person, under a disposition not made by the deceased, or under a disposition made by the deceased more

than twelve months before his death where possession and enjoyment of the property was bona fide assumed by the beneficiary immediately upon the creation of the trust and thenceforward retained to the entire exclusion of the deceased or of any benefit to him by contract or otherwise.

3. *Exception for transactions for money consideration.* (1.) Estate duty shall not be payable in respect of property passing on the death of the deceased by reason only of a bona fide purchase from the person under whose disposition the property passes, nor in respect of the falling into possession of the reversion on any lease for lives, nor in respect of the determination of any annuity for lives, where such purchase was made, or such lease or annuity granted, for full consideration in money or money's worth paid to the vendor or grantor for his own use or benefit, or in the case of a lease for the use or benefit of any person for whom the grantor was a trustee.

(2.) Where any such purchase was made, or lease or annuity granted, for partial consideration in money or money's worth paid to the vendor or grantor for his own use or benefit, or in the case of a lease for the use or benefit of any person for whom the grantor was a trustee, the value of the consideration shall be allowed as a deduction from the value of the property for the purpose of Estate duty.

4. *Aggregation of property to form one estate for purpose of duty.* For determining the rate of Estate duty to be paid on any property passing on the death of the deceased, all property so passing in respect of which Estate duty is leviable shall be aggregated so as to form one estate, and the duty shall be levied at the proper graduated rate on the principal value thereof:

Provided that any property so passing, in which the deceased never had an interest, or which under a disposition not made by the deceased passes immediately on the death of the deceased to some person other than the wife or husband or a lineal ancestor or lineal descendant of the deceased, shall not be aggregated with any other property but shall be an estate by itself, and the Estate duty shall be levied at the proper graduated rate on the principal value thereof; but if any benefit under a disposition not made by the deceased is reserved or given to the wife or husband or a lineal ancestor or lineal descendant of the deceased, such benefit shall be aggregated with property of the deceased for the purpose of determining the rate of Estate duty.

5. *Settled property.* (1.) Where property in respect of which Estate duty is leviable, is settled by the will of the deceased, or having been settled by some other disposition passes under that disposition on the death of the deceased to some person not competent to dispose of the property,—

- (a.) a further Estate duty (called settlement estate duty) on the principal value of the settled property shall be levied at the rate herein-after specified, except where the only life interest in the property after the death of the deceased is that of a wife or husband of the deceased; but
- (b.) during the continuance of the settlement the settlement Estate duty shall not be payable more than once.

(2.) If Estate duty has already been paid in respect of any settled property since the date of the settlement, the Estate duty shall not, nor shall any of the duties mentioned in the fifth paragraph of the First Schedule to this Act, be payable in respect thereof, until the death of a person who was at the time of his death or had been at any time during the continuance of the settlement competent to dispose of such property.

(3.) In the case of settled property, where the interest of any person under the settlement fails or determines by reason of his death before it becomes an interest in possession, and subsequent limitations under the settlement continue to subsist, the property shall not be deemed to pass on his death.

(4.) Any person paying the settlement Estate duty payable under this section upon property comprised in a settlement, may deduct the amount of the ad valorem stamp duty (if any) charged on the settlement in respect of that property.

(5.) Where any lands or chattels are so settled,

whether by Act of Parliament or royal grant, that no one of the persons successively in possession thereof is capable of alienating the same, whether his interest is in law a tenancy for life or a tenancy in tail, the provisions of this Act with respect to settled property shall not apply, and the property passing on the death of any person in possession of the lands and chattels shall be the interest of his successor in the lands and chattels, and such interest shall be valued, for the purpose of Estate duty, in like manner as for the purpose of succession duty.

Collection and Recovery of Duty and Value of Property.

6. *Collection and recovery of Estate duty.* (1.) Estate duty shall be a stamp duty, collected and recovered as herein-after mentioned.

(2.) The executor of the deceased shall pay the Estate duty in respect of all personal property (wherever situate) of which the deceased was competent to dispose at his death, on delivering the Inland Revenue affidavit, and may pay in like manner the Estate duty in respect of any other property passing on such death, which by virtue of any testamentary disposition of the deceased is under the control of the executor, or, in the case of property not under his control, if the persons accountable for the duty in respect thereof request him to make such payment.

(3.) Where the executor does not know the amount or value of any property which has passed on the death, he may state in the Inland Revenue affidavit that such property exists but he does not know the amount or value thereof, and that he undertakes, as soon as the amount and value are ascertained, to bring in an account thereof, and to pay both the duty for which he is or may be liable, and any further duty payable by reason thereof for which he is or may be liable in respect of the other property mentioned in the affidavit.

(4.) Estate duty, so far as not paid by the executor, shall be collected upon an account setting forth the particulars of the property, and delivered to the Commissioners within six months after the death by the person accountable for the duty, or within such further time as the Commissioners may allow.

(5.) Every estate shall include all income accrued upon the property included therein down to and outstanding at the date of the death of the deceased.

(6.) Interest at the rate of three per cent. per annum on the Estate duty shall be paid from the date of the death up to the date of the delivery of the Inland Revenue affidavit or account, or the expiration of six months after the death, whichever first happens, and shall form part of the Estate duty.

(7.) The duty which is to be collected upon an Inland Revenue affidavit or account shall be due on the delivery thereof, or on the expiration of six months from the death, whichever first happens.

(8.) Provided that the duty due upon an account of real property may, at the option of the person delivering the account, be paid by eight equal yearly instalments, or sixteen half-yearly instalments, with interest at the rate of three per cent. per annum from the date at which the first instalment is due, less income tax, and the first instalment shall be due at the expiration of twelve months from the death, and the interest on the unpaid portion of the duty shall be added to each instalment and paid accordingly; but the duty for the time being unpaid, with such interest to the date of payment, may be paid at any time, and in case the property is sold, shall be paid on completion of the sale, and if not so paid shall be duty in arrear.

7. *Value of property.* (1.) In determining the value of an estate for the purpose of Estate duty allowance shall be made for reasonable funeral expenses and for debts and incumbrances; but an allowance shall not be made—

- (a.) for debts incurred by the deceased, or incumbrances created by a disposition made by the deceased, unless such debts or incumbrances were incurred or created bona fide for full consideration in money or money's worth wholly for the deceased's own use and benefit and take effect out of his interest, nor
- (b.) for any debt in respect whereof there is a

right to reimbursement from any other estate or person, unless such reimbursement cannot be obtained, nor

- (c) more than once for the same debt or incumbrance charged upon different portions of the estate;

and any debt or incumbrance for which an allowance is made shall be deducted from the value of the land or other subjects of property liable thereto.

(2.) An allowance shall not be made in the first instance for debts due from the deceased to persons resident out of the United Kingdom, (unless contracted to be paid in the United Kingdom, or charged on property situate within the United Kingdom), except out of the value of any personal property of the deceased situate out of the United Kingdom in respect of which Estate duty is paid; and there shall be no repayment of Estate duty in respect of any such debts, except to the extent to which it is shewn to the satisfaction of the Commissioners, that the personal property of the deceased situate in the foreign country or British Possession in which the person to whom such debts are due resides, is insufficient for their payment.

(3.) Where the Commissioners are satisfied that any additional expense in administering or in realizing property has been incurred by reason of the property being situate out of the United Kingdom, they may make an allowance from the value of the property on account of such expense not exceeding in any case five per cent. on the value of the property.

(4.) Where any property passing on the death of the deceased is situate in a foreign country, and the Commissioners are satisfied that by reason of such death any duty is payable in that foreign country in respect of that property, they shall make an allowance of the amount of that duty from the value of the property.

(5.) The principal value of any property shall be estimated to be the price which, in the opinion of the Commissioners, such property would fetch if sold in the open market at the time of the death of the deceased:

Provided that, in the case of any agricultural property, where no part of the principal value is due to the expectation of an increased income from such property, the principal value shall not exceed twenty-five times the annual value as assessed under Schedule A. of the Income Tax Act, after making such deductions as have not been allowed in that assessment and are allowed under the Succession Duty Act, 1853 [16 & 17 Vict. c. 51], and making a deduction for expenses of management not exceeding five per cent. of the annual value so assessed.

(6.) Where an estate includes an interest in expectancy, Estate duty in respect of that interest shall be paid, at the option of the person accountable for the duty, either with the duty in respect of the rest of the estate or when the interest falls into possession, and if the duty is not paid with the Estate duty in respect of the rest of the estate, then—

- (a) for the purpose of determining the rate of Estate duty in respect of the rest of the estate the value of the interest shall be its value at the date of the death of the deceased; and

(b) the rate of Estate duty in respect of the interest when it falls into possession shall be calculated according to its value when it falls into possession, together with the value of the rest of the estate as previously ascertained.

(7.) The value of the benefit accruing or arising from the owner of an interest existing on the death of the deceased shall—

- (a) if the interest extended to the whole income of the property, be the principal value of that property; and

(b) if the interest extended to less than the whole income of the property, be the principal value of an addition to the property equal to the income to which the interest extended.

(8.) Subject to the provisions of this Act, the value of any property for the purpose of Estate duty shall be ascertained by the Commissioners in such manner and by such means as they think fit, and, if they authorize a person to inspect any property and report to them the value thereof for the purpose of this Act, the person having the custody

or possession of that property shall permit the person so authorized to inspect it at such reasonable times as the Commissioners consider necessary.

(9.) Where the Commissioners require a valuation to be made by a person named by them, the reasonable costs of such valuation shall be defrayed by the Commissioners.

(10.) Property passing on any death shall not be aggregated more than once, nor shall Estate duty in respect thereof be more than once levied on the same death.

B. Supplemental provisions as to collection, recovery, and repayment of and exemption from Estate duty.

(1.) The existing law and practice relating to any of the duties now leviable on or with reference to death shall, subject to the provisions of this Act and so far as the same are applicable, apply for the purposes of the collection, recovery, and repayment of Estate duty, and for the exemption of the property of common seamen marines or soldiers who are slain or die in the service of Her Majesty, and for the purpose of payment of sums under one hundred pounds without requiring representation, as if such law and practice were in terms made applicable to this Part of this Act.

(2.) Sections twelve to fourteen of the Customs and Inland Revenue Act, 1889 [52 & 53 Vict. c. 7], and section forty-seven of the Local Registration of Title (Ireland) Act, 1891 [54 & 55 Vict. c. 66], shall apply as if Estate duty were therein mentioned as well as Succession duty, and as if an account were not settled within the meaning of any of the above sections until the time for the payment of the duty on such account has arrived.

(3.) The executor of the deceased shall, to the best of his knowledge and belief, specify in appropriate accounts annexed to the Inland Revenue affidavit all the property in respect of which Estate duty is payable upon the death of the deceased, and shall be accountable for the Estate duty in respect of all personal property whereof the estate of which the deceased was competent to dispose at his death, but shall not be liable for any duty in excess of the assets which he has received as executor, or might but for his own neglect or default have received.

(4.) Where property passes on the death of the deceased, and his executor is not accountable for the Estate duty in respect of such property, every person to whom any property so passes for any beneficial interest in possession, and also, to the extent of the property actually received or disposed of by him, every trustee, guardian, committee, or other person in whom any interest in the property so passing or the management thereof is at any time vested, and every person in whom the same is vested in possession by alienation or other derivative title shall be accountable for the Estate duty on the property, and shall, within the time required by this Act or such later time as the Commissioners allow, deliver to the Commissioners and verify an account, to the best of his knowledge and belief, of the property: Provided that nothing in this section contained shall render a person accountable for duty who acts merely as agent or bailiff for another person in the management of property.

(5.) Every person accountable for Estate duty, and every person whom the Commissioners believe to have taken possession of or administered any part of the estate in respect of which duty is leviable on the death of the deceased, or of the income of any part of such estate, shall, to the best of his knowledge and belief, if required by the Commissioners, deliver to them and verify a statement of such particulars together with such evidence as they require relating to any property which they have reason to believe to form part of an estate in respect of which Estate duty is leviable on the death of the deceased.

(6.) A person who wilfully fails to comply with any of the foregoing provisions of this section shall be liable to pay on: hundred pounds, or a sum equal to double the amount of the Estate duty, if any, remaining unpaid for which he is accountable, according as the Commissioners elect: Provided that the Commissioners, or in any proceeding for the recovery of such penalty the Court, shall have power to reduce any such penalty.

(7.) Estate duty shall, in the first instance, be calculated at the appropriate rate according to the value of the estate as set forth in the Inland Revenue affidavit or account delivered, but if

afterwards it appears that for any reason too little duty has been paid, the additional duty shall, unless a certificate of discharge has been delivered under this Act, be payable, and be treated as duty in arrear.

(8.) The Commissioners on application from a person accountable for the duty on any property forming part of an estate shall, where they consider that it can conveniently be done, certify the amount of the valuation accepted by them for any class or description of property forming part of such estate.

(9.) Where the Commissioners are satisfied that the Estate duty leviable in respect of any property cannot without excessive sacrifice be raised at once, they may allow payment to be postponed for such period, to such extent, and on payment of such interest not exceeding four per cent. or any higher interest yielded by the property, and on such terms, as the Commissioners think fit.

(10.) Interest on arrears of Estate duty shall be paid as if they were arrears of legacy duty.

(11.) If after the expiration of twenty years from a death upon which Estate duty became leviable any such duty remains unpaid, the Commissioners may, if they think fit, on the application of any person accountable or liable for such duty or interested in the property, remit the payment of such duty or any part thereof or any interest thereon.

(12.) Where it is proved to the satisfaction of the Commissioners that too much Estate duty has been paid, the excess shall be repaid by them, and in cases where the over-payment was due to over valuation by the Commissioners, with interest at three per cent. per annum.

(13.) Where any proceeding for the recovery of Estate duty in respect of any property is instituted, the High Court shall have jurisdiction to appoint a receiver of the property and the rents and profits thereof, and to order a sale of the property.

(14.) All affidavits, accounts, certificates, statements, and forms used for the purpose of this Part of this Act shall be in such form, and contain such particulars, as may be prescribed, and if so required by the Commissioners shall be in duplicate, and accounts and statements shall be delivered and verified on oath and by production of books and documents in the manner prescribed, and any person who wilfully fails to comply with the provisions of this enactment shall be liable to the penalty above in this section mentioned.

(15.) No charge shall be made for any certificate given by the Commissioners under this Act.

(16.) The Estate duty may be collected by means of stamps or such other means as the Commissioners prescribe.

(17.) The form of certificate required to be given by the proper officer of the court under section thirty of the Customs and Inland Revenue Act, 1881 [44 & 45 Vict. c. 12], may be varied by a rule of court in such manner as may appear necessary for carrying into effect this Act.

(18.) Nothing in this section shall render liable to or accountable for duty a bona fide purchaser for valuable consideration without notice.

9. Charge of Estate duty on property, and facilities for raising it. (1.) A rateable part of the Estate duty on an estate, in proportion to the value of any property which does not pass to the executor as such, shall be a first charge on the property in respect of which duty is leviable; provided that the property shall not be so chargeable as against a bona fide purchaser thereof for valuable consideration without notice.

(2.) On an application submitting in the prescribed form the description of the lands or other subjects of property (whether hereditaments, stocks, funds, shares, or securities), and of the debts and incumbrances allowed by the Commissioners in assessing the value of the property for the purposes of Estate duty, the Commissioners shall grant a certificate of the Estate duty paid in respect of the property, and specify the debts and incumbrances so allowed, as well as the lands or other subjects of property.

(3.) Subject to any repayment of Estate duty arising from want of title to the land or other subjects of property, or from the extinction of any debt or incumbrance thereon for which under this Act an allowance ought to have been but has not

been made, or from any other cause, the certificate of the Commissioners shall be conclusive evidence that the amount of duty named therein is a first charge on the lands or other subjects of property after the debts and incumbrances allowed as aforesaid: Provided that any such repayment of duty by the Commissioners shall be made to the person producing to them the said certificate.

(4.) If the rateable part of the Estate duty in respect of any property is paid by the executor, it shall where occasion requires be repaid to him by the trustees or owners of the property, but if the duty is in respect of real property, it may, unless otherwise agreed upon, be repaid by the same instalments and with the same interest as are in this Act mentioned.

(5.) A person authorized or required to pay the Estate duty in respect of any property shall, for the purpose of paying the duty, or raising the amount of the duty when already paid, have power, whether the property is or is not vested in him, to raise the amount of such duty and any interest and expenses properly paid or incurred by him in respect thereof, by the sale or mortgage of or a terminable charge on that property or any part thereof.

(6.) A person having a limited interest in any property, who pays the Estate duty in respect of that property, shall be entitled to the like charge, as if the Estate duty in respect of that property had been raised by means of a mortgage to him.

(7.) Any money arising from the sale of property comprised in a settlement, or held upon trust to lay out upon the trusts of a settlement, and capital money arising under the Settled Land Act, 1882 [45 & 46 Vict. c. 38], may be expended in paying any Estate duty in respect of property comprised in the settlement and held upon the same trusts.

10. *Appeal from Commissioners.* (1.) Any person aggrieved by the decision of the Commissioners with respect to the repayment of any excess of duty paid, or by the amount of duty claimed by the Commissioners, whether on the ground of the value of any property or the rate charged or otherwise, may, on payment of, or giving security as herein-after mentioned for, the duty claimed by the Commissioners or such portion of it as is then payable by him, appeal to the High Court within the time and in the manner and on the conditions directed by rules of Court, and the amount of duty shall be determined by the High Court, and if the duty as determined is less than that paid to the Commissioners the excess shall be repaid.

(2.) No appeal shall be allowed from any order, direction, determination, or decision of the High Court in any appeal under this section except with the leave of the High Court or Court of Appeal.

(3.) The costs of the appeal shall be in the discretion of the Court, and the Court, where it appears to the Court just, may order the Commissioners to pay on any excess of duty repaid by them interest at the rate of three per cent. per annum for such period as appears to the Court just.

(4.) Provided that the High Court, if satisfied that it would impose hardship to require the appellant, as a condition of an appeal, to pay the whole or, as the case may be, any part of the duty claimed by the Commissioners or of such portion of it as is then payable by him, may allow an appeal to be brought on payment of no duty, or of such part only of the duty as to the Court seems reasonable, and on security to the satisfaction of the Court being given for the duty, or so much of the duty as is not so paid, but in such case the Court may order interest at the rate of three per cent. per annum to be paid on the unpaid duty so far as it becomes payable under the decision of the Court.

(5.) Where the value as alleged by the Commissioners of the property in respect of which the dispute arises does not exceed ten thousand pounds, the appeal under this section may be to the county court for the county or place in which the appellant resides or the property is situate, and this section shall for the purpose of the appeal apply as if such county court were the High Court.

(6.) The county council of every county or county borough in Great Britain, shall within twelve months after the commencement of this Act, and may thereafter from time to time, appoint a sufficient number of qualified persons to act as

valuers for the purposes of this Act in their respective counties, and shall fix a scale of charges for the remuneration of such persons, and the court may refer any question of disputed value under this section to the arbitration of any person so appointed for the county in which the appellant resides or the property is situate; and the costs of any such arbitration shall be part of the costs of the appeal.

Discharge from and Apportionment of Duty.

11. *Release of persons paying Estate duty.* (1.) The Commissioners on being satisfied that the full Estate duty has been or will be paid in respect of an estate or any part thereof shall, if required by the person accounting for the duty, give a certificate to that effect, which shall discharge from any further claim for Estate duty the property shown by the certificate to form the estate or part thereof as the case may be.

(2.) Where a person accountable for the Estate duty in respect of any property passing on a death applies after the lapse of two years from such death to the Commissioners, and delivers to them and verifies a full statement to the best of his knowledge and belief of all property passing on such death and the several persons entitled thereto, the Commissioners may determine the rate of the Estate duty in respect of the property for which the applicant is accountable, and on payment of the duty at that rate, that property and the applicant so far as regards that property shall be discharged from any further claim for Estate duty, and the Commissioners shall give a certificate of such discharge.

(3.) A certificate of the Commissioners under this section shall not discharge any person or property from Estate duty in case of fraud or failure to disclose material facts, and shall not affect the rate of duty payable in respect of any property afterwards shown to have passed on the death, and the duty in respect of such property shall be at such rate as would be payable if the value thereof were added to the value of the property in respect of which duty has been already accounted for.

(4.) Provided nevertheless that a certificate purporting to be a discharge of the whole Estate duty payable in respect of any property included in the certificate shall exonerate a bona fide purchaser for valuable consideration without notice from the duty notwithstanding any such fraud or failure.

12. *Commutation of duty on interest in expectancy.* The Commissioners in their discretion, upon application by a person entitled to an interest in expectancy, may commute the Estate duty which would or might, but for the commutation, become payable in respect of such interest for a certain sum to be presently paid, and for determining that sum shall cause a present value to be set upon such duty, regard being had to the contingencies affecting the liability to and rate and amount of such duty, and interest being reckoned at three per cent.; and on the receipt of such sum they shall give a certificate of discharge accordingly.

13. *Powers to accept composition for death duties.* (1.) Where, by reason of the number of deaths on which property has passed or of the complicated nature of the interests of different persons in property which has passed on death, or from any other cause, it is difficult to ascertain exactly the amount of death duties or any of them payable in respect of any property or any interest therein, or so to ascertain the same without undue expense in proportion to the value of the property or interest, the Commissioners on the application of any person accountable for any duty thereon, and upon his giving to them all the information in his power respecting the amount of the property and the several interests therein, and other circumstances of the case, may by way of composition for all or any of the death duties payable in respect of the property, or interest, and the various interests therein, or any of them, assess such sum on the value of the property, or interest, as having regard to the circumstances appears proper, and may accept payment of the sum so assessed, in full discharge of all claims for death duties in respect of such property or interest, and shall give a certificate of discharge accordingly.

(2.) Provided that the certificate shall not dis-

charge any person from any duty in case of fraud or failure to disclose material facts.

(3.) In this section the expression "death duties" means the Estate duty under this Act, the duties mentioned in the First Schedule to this Act and the legacy and succession duties, and the duty payable on any representation or inventory under any Act in force before the Customs and Inland Revenue Act, 1881 [44 & 45 Vict. c. 12].

14. *Apportionment of duty.* (1.) In the case of property which does not pass to the executor as such, an amount equal to the proper rateable part of the Estate duty may be recovered by the person, who being authorized or required to pay the Estate duty in respect of any property has paid such duty, from the person entitled to any sum charged on such property (whether as capital or as an annuity or otherwise), under a disposition not containing any express provision to the contrary.

(2.) Any dispute as to the proportion of Estate duty to be borne by any property or person may be determined upon application by any person interested in manner directed by Rules of Court, either by the High Court, or, where the amount in dispute is less than fifty pounds, by a county court for the county or place in which the person recovering the same resides, or the property in respect of which the duty is paid is situate.

(3.) Any person from whom a rateable part of Estate duty can be recovered under this section shall be bound by the accounts and valuations as settled between the person entitled to recover the same and the commissioners.

15. *Exemptions from Estate duty.* (1.) Estate duty shall not be payable in respect of a single annuity not exceeding twenty-five pounds purchased or provided by the deceased, either by himself alone or in concert or arrangement with any other person, for the life of himself and of some other person and the survivor of them, or to arise on his own death in favour of some other person; and if in any case there is more than one such annuity, the annuity first granted shall be alone entitled to the exemption under this section.

(2.) It shall be lawful for the Treasury to remit the Estate duty, or any other duty leviable on or with reference to death, in respect of any such pictures, prints, books, manuscripts, works of art or scientific collections, as appear to the Treasury to be of national, scientific, or historic interest, and to be given or bequeathed for national purposes, or to any university, or to any county council or municipal corporation, and no property the duty in respect of which is so remitted shall be aggregated with any other property for the purpose of fixing the rate of Estate duty.

(3.) Estate duty shall not be payable in respect of any pension or annuity payable by the Government of British India to the widow or child of any deceased officer of such Government, notwithstanding that the deceased contributed during his lifetime to any fund out of which such pension or annuity is paid.

(4.) Estate duty shall not be payable in respect of any advowson or church patronage which would have been free from succession duty under section twenty-four of the Succession Duty Act, 1853 [16 & 17 Vict. c. 51].

Small Estates.

16. *Provision for estates not exceeding £1,000.* (1.) The provisions of sections thirty-three, thirty-five, and thirty-six of the Customs and Inland Revenue Act, 1881 [44 & 45 Vict. c. 12] (relating to the obtaining of representation to the deceased where the gross value of his personal estate does not exceed three hundred pounds), shall apply with the necessary modifications to the case where the gross value of the property real and personal in respect of which estate duty is payable on the death of the deceased, exclusive of property settled otherwise than by the will of the deceased, does not exceed five hundred pounds, and where the gross value does not exceed three hundred pounds the fixed duty shall be thirty shillings and where the gross value exceeds three hundred pounds and does not exceed five hundred pounds the fixed duty shall be fifty shillings.

(2.) All such property may be comprised in the notice under the said section thirty-three.

(3.) Where the net value of the property, real and personal, in respect of which estate duty is

- (2.) For the purposes of this Part of this Act—
(a.) A person shall be deemed competent to dispose of property if he has such an estate or interest therein or such general power as would, if he were *sui juris*, enable him to dispose of the property, including a tenant in tail whether in possession or not; and the expression "general power" includes every power or authority enabling the donee or other holder thereof to appoint or dispose of property as he thinks fit, whether exercisable by instrument *inter vivos* or by will, or both, but exclusive of any power exercisable in a fiduciary capacity under a disposition not made by himself, or exercisable as tenant for life under the Settled Land Act, 1882 [45 & 46 Vict. c. 38], or as mortgagee;
(b.) A disposition taking effect out of the interest of the deceased person shall be deemed to have been made by him, whether the concurrence of any other person was or was not required;
(c.) Money which a person has a general power to charge on property shall be deemed to be property of which he has power to dispose.
(3.) This Part of this Act shall apply to property in which the wife or husband of the deceased takes an estate in dower or by the curtesy or any other like estate, in like manner as it applies to property settled by the will of the deceased.

Application to Scotland.

23. *Application of Part of Act to Scotland.* In the application of this Part of this Act to Scotland the context otherwise requires:—

- (1.) The Court of Session shall be substituted for the High Court;
(2.) "Sheriff court" shall be substituted for county court;
(3.) "Confirmation" shall be substituted for "representation";
(4.) The expression "receiver of the property and of the rents and profits thereof," means a judicial factor upon the property;
(5.) The expression "Inland Revenue affidavit," means the inventory of the personal estate of a deceased now required by law, and includes an additional inventory;
(6.) The expression "on delivering the Inland Revenue affidavit" means on exhibiting and recording a duly stamped inventory as provided by section thirty-eight of the Act of the forty-eighth year of the reign of King George the Third, chapter one hundred and forty-nine;
(7.) Section thirty-four of the Customs and Inland Revenue Act, 1881 [44 & 45 Vict. c. 12], shall be substituted for section thirty-three of that Act, and the Acts referred to in such section thirty-four shall extend to an estate of a gross value not exceeding five hundred pounds, and an application under the said Acts may be made to any commissary clerk, and any commissary clerk shall affix the seal of the court to any representation granted in England or Ireland upon the same being sent to him for that purpose, enclosing a fee of two shillings and sixpence;
(8.) The expression "personal property" means movable property;
(9.) The expression "real property" includes heritable property;
(10.) The expression "incumbrance" includes any heritable security, or other debt or payment secured upon heritable;
(11.) The expression "executor" means every person who as executor, nearest of kin, or creditor, or otherwise, intronits with or enters upon the possession or management of any personal property of a deceased person;
(12.) The property comprised in any special assignation or disposition taking effect on death shall be deemed to pass on death within the meaning of this Act;
(13.) The expression "trustee" includes a tutor, curator, and judicial factor;
(14.) The expression "settled property" shall not include property held under entail;
(15.) An institute or heir of entail in possession of an entailed estate shall whether *sui juris* or not be deemed for the purposes of this Act to be a person competent to dispose of such estate;
(16.) Where an entailed estate passes on the death of the deceased to an institute or heir of entail, who is not entitled to disentail such estate without either obtaining the consent of one or more subsequent heirs of entail or having the consent of such one or more subsequent heirs valued and dispensed with, settlement Estate duty as well as Estate duty shall be paid in respect of such estate, but neither Estate duty nor settlement Estate duty shall be payable again in respect of such estate, until such estate is disentailed, or until an heir of entail to whom it passes on or subsequent to the death of the institute or heir first mentioned, and who is entitled to disentail it without obtaining the consent of any subsequent heir or heirs or having the consent of any subsequent heir or heirs valued and dispensed with, dies;
(17.) Where an institute or heir of entail in possession of an entailed estate, who is not entitled to disentail such estate without either obtaining the consent of one or more subsequent heirs of entail or having the consent of such one or more subsequent heirs valued and dispensed with, has paid Estate duty in respect of such estate, and afterwards disentails such estate, he shall be entitled to deduct from the value in money of the expectancy or interest in such estate of such one or more subsequent heirs, payable by him to them in respect of their consents having been granted or dispensed with, a proper rateable part of the Estate duty paid by him as aforesaid;
(18.) Where any person who pays Estate duty on any property, and in whom the property is not vested, is by this Act authorized to raise such duty by the sale or mortgage of that property, or any part thereof, it shall be competent for such person to apply to the Court of Session—
(a) for an order of sale of the property or part of it, and in the event of the court granting such order, it shall provide for the payment out of the price of the amount of the Estate duty which has been paid by such person, and the court shall thereafter make such order as to the disposal of the surplus, if any, of the price, by way of investment or otherwise, as to the court shall seem proper; the court may in such order specify the time and place at which, the person by whom, and the advertisement or notice after which the sale shall be made, and may ordain the person in whom the property is vested to grant a disposition thereof in favour of the purchaser, and if the person in whom the property is vested refuses or fails to do so, the court shall grant authority to the clerk of court to execute such disposition, and such disposition so executed shall be as valid as if it had been executed by the person in whom the property is vested; or
(b) for an order ordaining the person in whom the property is vested to grant a bond and disposition in security over the property in favour of the person who has paid the Estate duty, for the amount of the said duty, and if the person in whom the property is vested refuses, or fails to do so, the court shall grant authority to the clerk of court to execute such a bond and disposition in security, and such bond and disposition in security so executed shall be as valid as if it had been executed by the person in whom the property is vested, and shall be a first charge upon the property after any debt or incumbrance for which an allowance is directed to be made under this Act in determining the value of the property for the purpose of Estate duty;
Provided also that summary diligence shall

not be competent thereupon, and that nothing herein contained shall make the duty to be recovered by the methods of these sub-sections (a) and (b) recoverable at any earlier time than if it had been recovered by direct action against the person ultimately liable for the duty;

- (19.) This Part of this Act shall apply to property in which the wife or husband of the deceased takes an estate of *terce* or *courtesy* or any other like estate in like manner as it applies to property settled by the will of the deceased.

Commencement.

24. *Commencement of part of Act.* This Part of this Act shall come into operation on the expiration of the first day of August one thousand eight hundred and ninety-four, in this Part of this Act referred to as the commencement of this Part of this Act.

PART II.

CUSTOMS.

25. *Duty on tea.* The duty of Customs now payable on tea shall continue to be charged and paid, on and after the first day of August one thousand eight hundred and ninety-four until the first day of August one thousand eight hundred and ninety-five, on the importation thereof into Great Britain or Ireland (that is to say):—
Tea, the pound Fourpence.

26. *Addition to customs duties on special kinds of beer.* In addition to the duties of Customs now payable on beer of the descriptions called *mum*, *spruce*, or *black beer*, imported into Great Britain or Ireland, there shall be charged and paid on and after the seventeenth day of April one thousand eight hundred and ninety-four until the first day of July one thousand eight hundred and ninety-five the duties following; (that is to say),

£ s. d.

For every thirty-six gallons of beer where the worts thereof are or were before fermentation of a specific gravity—

Not exceeding one thousand two hundred and fifteen degrees	0 2 0
Exceeding one thousand two hundred and fifteen degrees	0 2 4

This section shall extend to *Berlin white beer*, and other preparations, whether fermented or not fermented, of a character similar to *mum*, *spruce*, or *black beer*.

27. *Addition to customs duty on all other beer.* In addition to the duties of Customs now payable on every description of beer (other than is specified in the last preceding section) imported into Great Britain or Ireland, there shall be charged and paid on and after the seventeenth day of April one thousand eight hundred and ninety-four until the first day of July one thousand eight hundred and ninety-five the duty following; (that is to say),

£ s. d.

For every thirty-six gallons where the worts thereof were before fermentation of a specific gravity of—
One thousand and fifty-five degrees 0 0 6

and there shall be allowed and paid in and for the same period in respect of all such beer a similar addition to the drawback granted on exportation, shipment for use as stores or removal to the *Iale of Man*, by section four of the Customs and Inland Revenue Act, 1881 [44 & 45 Vict. c. 12]. And so, as to both duty and drawback, in proportion for any difference in gravity.

28. *Additional duties of Customs on spirits.* In addition to the duties of Customs now payable on spirits imported into Great Britain or Ireland there shall be charged and paid on and after the seventeenth day of April one thousand eight hundred and ninety-four until the first day of July one thousand eight hundred and ninety-five the duties following; (that is to say),

For every gallon, computed at proof, of spirits of any description (except perfumed spirits) including naphtha or methylic alcohol,

purified so as to be potable, and mixtures and preparations containing spirits	£ s. d.
For every gallon of perfumed spirits	0 0 6
For every gallon of liqueurs, cordials, mixtures, and other preparations entered in such a manner as to indicate that the strength is not to be tested	0 0 10
	0 0 8

Alteration of Customs duties on certain goods containing spirits. And the duties of Customs on the articles herein-after mentioned, being articles of which spirits are a part or ingredient, shall be proportionately increased, and there shall accordingly be charged and paid on and after the seventeenth day of April one thousand eight hundred and ninety-four, until the first day of July one thousand eight hundred and ninety-five the duties following: (that is to say,)

Chloral hydrate . . . the pound	0 1 4
Chloroform . . . the pound	0 3 3
Colloclon . . . the gallon	1 6 3
Ether, acetic . . . the pound	0 1 11
Ether, butyric . . . the gallon	0 16 5
Ether, sulphuric . . . the gallon	1 7 5
Ethyl, iodide of . . . the gallon	0 14 3

This section shall not affect the continuance after the thirtieth day of June, one thousand eight hundred and ninety-five, of the duties existing prior to this section taking effect.

PART III.

EXCISE.

29. *Additional duty of excise on beer.* In addition to the duty of excise now payable in respect of beer brewed in the United Kingdom there shall be charged and paid on and after the seventeenth day of April one thousand eight hundred and ninety-four, until the first day of July one thousand eight hundred and ninety-five—

For every thirty-six gallons of worts of a specific gravity of one thousand and fifty-five degrees the duty of sixpence, and so in proportion for any difference in quantity or gravity.

30. *Additional excise drawback on beer.* In addition to the drawback of excise now payable in respect of beer exported from the United Kingdom as merchandise or shipped for use as ship's stores there shall be allowed and paid in respect of beer brewed in the United Kingdom between the sixteenth day of April one thousand eight hundred and ninety-four, and the first day of July one thousand eight hundred and ninety-five—

For every thirty-six gallons of beer of an original gravity of one thousand and fifty-five degrees the drawback of sixpence, and so in proportion for any difference in quantity or gravity.

31. *Additional duty of excise on spirits.* In addition to the duty of excise now payable for every gallon computed at proof of spirits distilled in the United Kingdom, there shall be charged and paid on and after the seventeenth day of April one thousand eight hundred and ninety-four, until the first day of July one thousand eight hundred and ninety-five, the duty of sixpence, and so in proportion for any less quantity.

32. *Additional duties to be added to the price of articles contracted for.* Where, before the seventeenth day of April one thousand eight hundred and ninety-four, any person shall have contracted for the sale of spirits or beer without reference to the duties of excise thereon granted by this Act, it shall be lawful for such person, and he is hereby authorized to receive from the purchaser, and sue for and recover the equivalent in money of the excess of such duties over the duties which would have been payable if this Act had not been passed.

PART IV.

INCOME TAX.

23. *Grant of duties of income tax.* (1.) There shall be charged, collected, and paid for the year which commenced on the sixth day of April one thousand eight hundred and ninety-four, in respect of all property, profits, and gains mentioned or described as chargeable in the Income Tax Act,

1853 [16 & 17 Vict. c. 34], the following duties of income tax; (that is to say,)

For every twenty shillings of the annual value or amount of property, profits, and gains chargeable under Schedules (A.), (C.), (D.), or (E.) of the said Act the duty of eightpence:

And for every twenty shillings of the annual value of the occupation of lands, tenements, hereditaments, and heritages chargeable under Schedule (B.) of the said Act—

In England, Scotland, and Ireland respectively, the duty of threepence.

(2.) All such provisions contained in any Act relating to income tax as were in force on the fifth day of April one thousand eight hundred and ninety-four shall have full force and effect with respect to the duties of income tax hereby granted so far as the same are consistent with this Act.

34. *Exemption where income does not exceed £160 and abatement where income does not exceed £500.* The provisions of the Income Tax Acts with respect to the exemption granted to persons whose respective incomes are less than one hundred and fifty pounds a year, shall extend to persons whose respective incomes do not exceed one hundred and sixty pounds a year, and in lieu of the relief or abatement from income tax granted by section eight of the Customs and Inland Revenue Act, 1876 [39 & 40 Vict. c. 16], to persons whose respective incomes are less than four hundred pounds a year, the following provisions shall have effect:—

(1.) Any person who shall be assessed or charged to any of the duties of income tax granted by this Act, or who shall have paid the same either by deduction or otherwise, and who shall claim and prove in the manner prescribed by the Income Tax Acts, that his total income from all sources, although exceeding one hundred and sixty pounds or upwards, does not exceed five hundred pounds, shall be entitled to relief or abatement as follows:—

(a.) If the total income of such person does not exceed four hundred pounds, to relief from so much of the said duties assessed upon or paid by him as an assessment or charge upon one hundred and sixty pounds of his income would amount to; and

(b.) If the total income of such person exceeds four hundred pounds, and does not exceed five hundred pounds, to the relief from so much of the said duties assessed upon or paid by him as an assessment or charge upon one hundred pounds of his income would amount to.

(2.) Where the total joint income of a husband and wife charged to income tax, by way either of assessment or deduction, does not exceed five hundred pounds and, upon any claim under this section, the Commissioners for the general purposes of the Acts relating to income tax are satisfied that such total income includes profits of the wife derived from any profession, employment, or vocation chargeable under Schedule D, or from any office or employment of profit chargeable under Schedule E, they shall deal with such claim as if it were a claim for exemption or relief or abatement as the case may be in respect of such profits of the wife, and a separate claim, on the part of the husband, for exemption or relief or abatement in respect of the rest of such total income.

35. *Relief in respect of income tax under Schedule A.* 5 & 6 Vict. c. 35.] In respect of the income tax hereby imposed under Schedule A., where the tax is charged upon annual value estimated otherwise than by relation to profits, the following provisions shall have effect:—

(a.) In the case of an assessment on lands inclusive of the farmhouse and other buildings (if any), the amount of the assessment shall, for the purposes of collection, be reduced by a sum equal to one-eighth part thereof; and

(b.) In the case of an assessment upon any house or building (except a farmhouse or building included with lands in assessment), the

amount of the assessment shall, for the purposes of collection, be reduced—

(i.) Where the owner is occupier or assessable as landlord, or where a tenant is occupier and the landlord undertook to bear the cost of repairs, by a sum equal to one-sixth part of that amount; and

(ii.) Where a tenant is occupier and undertook to bear the cost of repairs, by such a sum not exceeding one-sixth part of that amount, as may be necessary to reduce it to the amount of rent payable by him.

(e.) As between the owner and a mortgagee of his property, or any person having a charge thereon or entitled to any ground-rent, rentcharge, annuity, or other annual sum payable thereout, the owner's right of deduction under the Income Tax Acts in respect of income tax shall be in no wise prejudiced or affected by the relief afforded by this section.

(d.) Where the amount of the assessment in the case of lands (inclusive of the farmhouse and other buildings) is more than one-eighth, and in the case of any house or building (except a farmhouse or building included with lands in assessment) is more than one-sixth, below the rent, after deducting from such rent any outgoing which should by law be deducted in making the assessment, this section shall not apply.

36. *Exemption of income tax in favour of savings banks.* (1.) Any penny savings bank, or other bank for savings, whether certified under the Savings Bank Act, 1863 [26 & 27 Vict. c. 87], or not, shall be entitled to exemption from income tax chargeable under Schedules C. and D. of the Acts relating to income tax in respect of the income of the funds of the savings bank, so far as it is applied in the payment or credit of interest to any depositor not exceeding the sum of five pounds in the year for which exemption is claimed.

(2.) The exemption shall be claimed, proved, and allowed in the same manner as is prescribed by law in the case of income applicable and applied to charitable purposes.

(3.) Provided that where interest is paid, or dividends or interest are or is credited without deduction of income tax to a depositor in any savings bank whose income exceeds one hundred and sixty pounds a year, such interest, or dividends or interest, as the case may be, shall be accounted for and charged under the third case of Schedule D. under which profits of an uncertain annual value are directed to be charged.

37. *Assessment of income tax under Schedules (A.) and (B.) and of the inhabited house duties for the year 1894-95.* (1.) The sum charged as the annual value of any property, elsewhere than in the metropolis as defined by the Valuation (Metropolis) Act, 1869 [32 & 33 Vict. c. 67], in the assessment of income tax thereon for the year which commenced on the sixth day of April one thousand eight hundred and ninety-three, shall be taken as the annual value of such property for the assessment and charge thereon of the duties of income tax hereby granted under Schedules (A.) and (B.).

(2.) The sum charged as the annual value of every inhabited house elsewhere than in the said metropolis made thereon for the year which commenced as respects England on the sixth day of April one thousand eight hundred and ninety-three, and as respects Scotland on the twenty-fifth day of May one thousand eight hundred and ninety-three, shall be taken as the annual value of the inhabited house for the assessment and charge thereon of the duties on inhabited houses as respects England for the year which commenced on the sixth day of April one thousand eight hundred and ninety-four, and as respects Scotland for the year commencing on the twenty-fifth day of May one thousand eight hundred and ninety-four.

(3.) The inspectors or surveyors of taxes shall be the assessors of the said duties of income tax under Schedules (A.) and (B.), and of the said duties on inhabited houses.

38. *Provisions as to duty on dividends, &c., paid prior to the passing of this Act.* (1.) Where, in the case of any dividends, interest, or other annual profits

or gains due or payable half yearly or quarterly in the course of the said year which commenced on the sixth day of April one thousand eight hundred and ninety-four, any half yearly or quarterly payments shall have been made prior to the passing of this Act, the duty of income tax hereby granted, or so much by relation to such duty as shall not have been charged thereon or deducted therefrom, shall be charged under Schedule D. in respect of such payments as profits or gains not charged by virtue of any other schedule in conformity with the provision contained in the sixth case of Schedule D., in section one hundred of the Income Tax Act, 1842 [5 & 6 Vict. c. 35], and the agents entrusted with the payment of the dividends, interest, or other annual profits or gains, shall furnish a list containing the names and addresses of the persons to whom payments have been made, and the amount of such payments, to the Commissioners of Inland Revenue upon a requisition in that behalf.

(2.) Where any person liable to pay any rent, interest, annuity, or other annual payment in the course of the said year shall, on making any such payment prior to the passing of this Act, have not made any deduction or have made an insufficient deduction in respect of the duty of income tax hereby granted he shall be authorized to make the deduction or make up the deficiency on the occasion of the next payment in addition to any other deduction which he may by law be authorized to make.

(3.) The charge or deduction of the duty of income tax at a rate not exceeding the rate hereby granted in the case of any payment made in the course of the said year prior to the passing of this Act shall be deemed to have been a legal charge or deduction.

PART V.

MISCELLANEOUS.

Composition for Certain Stamp Duties.

39. Extension of 54 & 55 Vict. c. 39, s. 114.] The provisions contained in section one hundred and fourteen of the Stamp Act, 1891, in reference to the composition for stamp duty chargeable on transfers of certain stocks, shall extend to the stock of any foreign state or government which is inscribed in the books of the Bank of England.

Exemption of Coupons from Stamp Duty.

40. Exemption of coupons.] A coupon for interest on a marketable security as defined by the Stamp Act, 1891, being one of a set of coupons whether issued with the security or subsequently issued in a sheet, shall not be chargeable with any stamp duty.

PART VI.

IMPERIAL AND NAVAL DEFENCE LOANS.

41. Alteration of Imperial and Naval Defence Acts.] (1.) All dividends or other moneys received by the Treasury after the first day of July one thousand eight hundred and ninety-four in respect of Suez Canal shares shall be paid into the Exchequer.

(2.) The sum by which the aggregate payments made to the Naval Defence Account under section two of the Naval Defence Act, 1889, before the thirty-first day of March one thousand eight hundred and ninety-four, exceed the authorized expenditure of ten million pounds, or any less sum which on the completion of the contract vessels has been actually expended on those vessels, shall be paid from that account into the Exchequer, and the instalments payable to the said account under the said section shall cease after the said day to be payable.

(3.) (a.) The old sinking fund and the new sinking fund may, notwithstanding anything in the Imperial Defence Act, 1888 [51 & 52 Vict. c. 32], and the Naval Defence Acts, 1889 [52 & 53 Vict. c. 8] and 1893 [56 & 57 Vict. c. 45], and in addition to any other mode of application, be applied in paying off all or any part of the loan of two million six hundred thousand pounds borrowed under Part II. of the Imperial Defence Act, 1888 (in this Act referred to as the Imperial Defence Loan), and of the loan of three million one hundred and forty-six thousand pounds borrowed

under the Naval Defence Act, 1889 (in this Act referred to as the Naval Defence Loan);

(b.) The interest on the Imperial Defence Loan and the Naval Defence Loan, or on such part thereof as is for the time being outstanding, shall, so far as it would, but for this section, come into course of payment out of the moneys provided by Parliament for army services or naval services, be paid out of the permanent annual charge for the National Debt, and the Treasury shall, so far as regards any payments already made, make such adjustments as appear to them necessary for carrying into effect this section.

(4.) Nothing in this section, nor any repeal by this section, shall affect the charge on the Consolidated Fund of any loan, so far as the same is required for the purpose of repaying the principal or interest of such loan to the holder of the security for the same.

(5.) The Acts specified in the Third Schedule to this Act are hereby repealed to the extent and from the dates in the third column of that schedule mentioned.

Short Title.

42. Short title.] This Act may be cited as the Finance Act, 1894.

SCHEDULES.

FIRST SCHEDULE.

EXISTING DUTIES REFERRED TO [Sections 1, 5, 13, 21].

1. The stamp duties imposed by the Customs and Inland Revenue Act, 1881 [44 & 45 Vict. c. 12], on the affidavit to be required and received from the person applying for probate or letters of administration in England or Ireland, or on the inventory to be exhibited and recorded in Scotland.

2. The stamp duties imposed by section 38 of the Customs and Inland Revenue Act, 1881, as amended and extended by section 11 of the Customs and Inland Revenue Act, 1889 [52 & 53 Vict. c. 7], on the value of personal or movable property to be included in accounts thereby directed to be delivered.

3. The additional succession duties imposed by section 21 of the Customs and Inland Revenue Act, 1888 [51 & 52 Vict. c. 8].

4. The temporary estate duties imposed by sections 5 and 6 of the Customs and Inland Revenue Act, 1889.

5. The duty at the rate of one pound per cent. which would by virtue of the Acts in force relating to legacy duty or succession duty have been payable under the will or intestacy of the deceased, or under his disposition or any devolution from him under which respectively Estate duty has been paid, or under any other disposition under which Estate duty has been paid.

SECOND SCHEDULE.

ACTS REFERRED TO [Section 22 (a)].

Session and Chapter.	Title or Short Title.	Section referred to.
55 Geo. 3, c. 184	The Stamp Act, 1815	Section thirty-eight
56 Geo. 3, c. 56	An Act the title of which begins with the words "An Act to repeal the several stamp duties" and ends with the words "managing the said duties."	Section one hundred and seventeen
43 Vict. c. 14	The Customs and Inland Revenue Act, 1880.	Section ten
44 & 45 Vict. c. 12	The Customs and Inland Revenue Act, 1881.	Sections twenty-nine and thirty-two

THIRD SCHEDULE.

ACTS REPEALED [Section 41].

Session and Chapter.	Short Title.	Extent of Repeal.
51 & 52 Vict. c. 32	The Imperial Defence Act, 1888	The whole of Part Two and section eleven, from "The expression Treasury" to "Admiral," from "the expression Suez" to "1876," and from "The expression Exchequer" to the end of the section, as from the passing of this Act.
52 & 53 Vict. c. 8	The Naval Defence Act, 1889	The whole Act as from the following dates: Section two, from "To provide such money" to "Exchequer," being sub-sections two to five, as from the end of the last financial year before the passing of this Act, and from "the principal of all securities" to the end of the section, being sub-sections six, seven, and eight, as from the 31st of December one thousand eight hundred and ninety-two; section five, as from the completion of the audit therein mentioned; and the residue as from the end of the present financial year.
56 & 57 Vict. c. 45	The Naval Defence Act, 1893	The whole Act as from the end of the present financial year.

CHAPTER 31.

[Zanzibar Indemnity Act, 1894.]

An Act for authorizing the Treasury to indemnify the Bank of England with respect to the Transfer of Consolidated Bank Annuities standing in the name of the late Sultan of Zanzibar.

[31st July 1894.]

CHAPTER 32.

[Registration Acceleration Act, 1894.]

An Act to accelerate the Registration of Parochial Electors in England and Wales in the present year.

[31st July 1894.]

Be it enacted, &c.:

1. Acceleration of registration of parochial electors in the year 1894 in England.] (1.) In the present year—

- the first day for the revision of the lists of parliamentary voters and of burgesses and of county electors shall be the third day of September, and the last day shall be the twenty-second day of September; except that in the case of the lists of occupation voters and burgesses in a parliamentary borough which is also a county borough the last day shall be the same as if this Act had not passed;
- the period for the inspection of lists of claims and of persons objected to shall be nine days after the twenty-fifth day of August;
- the declarations under section ten of the County Voters Registration Act, 1885 [28 & 29 Vict. c. 36], and section twenty-four of the Parliamentary and Municipal Registration Act, 1878 [41 & 42 Vict. c. 36], shall be sent to the clerk of the peace or town clerk on or before the first day of September.

fifteenth section of the Charitable Trusts Act, 1890 [33 & 34 Vict. c. 110, s. 15], extends to buildings registered and used as aforesaid, shall also extend to the properties declared to be exempted by this Act in the same manner and subject to the same restrictions as the buildings registered and used as aforesaid.

CHAPTER 36.

[*Valuation of Lands (Scotland) Acts Amendment Act, 1894.*]

An Act to amend the Valuation of Lands (Scotland) Acts in regard to the duties of the Assessor of Railways and Canals.

[17th August 1894.]

CHAPTER 37.

[*Locomotive Threshing Engines Act, 1894.*]

An Act for removal of the Restrictions on the use of Locomotive Engines for Threshing purposes.

[17th August 1894.]

Be it enacted, &c. :

1. *Short title.* This Act may be cited as the Locomotive Threshing Engines Act, 1894.

2. *Threshing engines to be exempt from previous penalties and restrictions.* Any provision in any Act contained prohibiting under penalty the erection and use of any steam engine, gin, or other like machine or any machinery attached thereto within the distance of twenty-five yards from any part of any turnpike road, highway, carriage-way, or cartway, unless such steam engine, gin, or other like engine or machinery be within some house or other building, or behind some fence, wall, or screen sufficient to conceal or screen the same from such turnpike road, highway, carriage-way, or cartway, shall not extend to prohibit the use of any locomotive steam engine or any machinery attached thereto for the purpose of threshing within such distance of any such turnpike road, highway, carriage-way, or cartway, provided that a person is stationed on the road and employed for the purpose of signalling the driver of the engine whenever it is necessary to stop the engine on account of the approach of a horse, and of rendering assistance to the person in charge of the horse, and that the driver of the engine stops the same when so signalled.

CHAPTER 38.

[*Public Libraries (Ireland) Act, 1894.*]

An Act to amend the Public Libraries (Ireland) Acts.

[17th August 1894.]

CHAPTER 39.

[*Prize Courts Act, 1894.*]

An Act to make further provision for the establishment of Prize Courts, and for other purposes connected therewith.

[17th August 1894.]

Be it enacted, &c. :

1. *Short title.* This Act may be cited as the Prize Courts Act, 1894.

2. *Constitution of prize courts in British possessions.* (1.) Any commission, warrant, or instructions from Her Majesty the Queen or the Admiralty for the purpose of commissioning or regulating the procedure of a prize court at any place in a British possession may, notwithstanding the existence of peace, be issued at any time, with a direction that the court shall not only upon such proclamation as hereinafter mentioned being made in the possession.

(2.) Where any such commission, warrant, or instructions have been issued, then, subject to instructions from Her Majesty, the Vice-Admiral of such possession may, when satisfied by information from a Secretary of State or otherwise that war has broken out between Her Majesty and any foreign State, proclaim that war has so broken out, and thereupon the said commission, warrant, and instructions shall take effect as if the same had been issued after the breaking out of such war and such foreign State were named therein.

(3.) The said commission and warrant may

authorize either a Vice-Admiralty Court or a Colonial Courts of Admiralty, within the meaning of the Colonial Courts of Admiralty Act, 1890 [53 & 54 Vict. c. 27], to act as a prize court, and may establish a Vice-Admiralty Court for that purpose.

(4.) Any such commission, warrant, or instructions may be revoked or altered from time to time.

(5.) A court duly authorized to act as a prize court during any war shall after the conclusion of the war continue so to act in relation to, and finally dispose of, all matters and things which arose during the war, including all penalties and forfeitures incurred during the war.

3. *Rules of court for and fees in prize courts.*

(1.) Her Majesty the Queen in Council may make rules of court for regulating, subject to the provisions of the Naval Prize Act, 1864 [27 & 28 Vict. c. 25], and this Act, the procedure and practice of prize courts within the meaning of that Act, and the duties and conduct of the officers thereof, and of the practitioners therein, and for regulating the fees to be taken by the officers of the courts, and the costs, charges, and expenses to be allowed to the practitioners therein.

(2.) Every rule so made shall, whenever made, take effect at the time therein mentioned, and shall be laid before both Houses of Parliament, and shall be kept exhibited in a conspicuous place in each court to which it relates.

(3.) This section shall be substituted for section thirteen of the Naval Prize Act, 1864 [27 & 28 Vict. c. 25], which section is hereby repealed.

(4.) If any Colonial Court of Admiralty within the meaning of the Colonial Courts of Admiralty Act, 1890 [53 & 54 Vict. c. 27], is authorized under this Act or otherwise to act as a prize court, all fees arising in respect of prize business transacted in the court shall be fixed, collected, and applied in like manner as the fees arising in respect of the Admiralty business of the court under the said Act.

4. *As to Vice-Admiralty Courts.* Her Majesty the Queen in Council may make rules of court for regulating the procedure and practice, including fees and costs, in a Vice-Admiralty Court, whether under this Act or otherwise.

5. *Repeal of 39 & 40 Geo. 3, c. 79, s. 25.* Section twenty-five of the Government of India Act, 1800, is hereby repealed.

CHAPTER 40.

[*Nautical Assessors (Scotland) Act, 1894.*]

An Act to provide for the attendance of Assessors at the trial and hearing of Maritime Causes in the Court of Session and Sheriff Courts in Scotland, and in Appeals to the House of Lords.

[17th August 1894.]

CHAPTER 41.

[*Prevention of Cruelty to Children Act, 1894.*]

An Act to consolidate the Acts relating to the Prevention of Cruelty to, and Protection of, Children.

[17th August 1894.]

Be it enacted, &c. :

Cruelty to Children.

1. *Punishment for cruelty to children.* (1.) If any person over the age of sixteen years who has the custody, charge, or care of any child under the age of sixteen years wilfully assaults, ill-treats, neglects, abandons, or exposes such child, or causes or procures such child to be assaulted, ill-treated, neglected, abandoned, or exposed in a manner likely to cause such child unnecessary suffering, or injury to its health (including injury to or loss of sight, or hearing, or limb, or organ of the body, and any mental derangement), that person shall be guilty of a misdemeanour; and

(a) on conviction on indictment, shall be liable, at the discretion of the court, to a fine not exceeding one hundred pounds, or alternatively, or in default of payment of such fine, or in addition thereto, to imprisonment, with or without hard labour, for any term not exceeding two years; and

(b) on summary conviction shall be liable, at the discretion of the court, to a fine not

exceeding twenty-five pounds, or alternatively, or in default of payment of such fine, or in addition thereto, to imprisonment, with or without hard labour, for any term not exceeding six months.

(2.) A person may be convicted of an offence under this section either on indictment or by a court of summary jurisdiction notwithstanding the death of the child in respect of whom the offence is committed.

(3.) If it is proved that a person indicted under this section was interested in any sum of money accruable or payable in the event of the death of the child, and had knowledge that such sum of money was accruing or becoming payable, the court, in its discretion, may

(a) increase the amount of the fine under this section so that the fine does not exceed two hundred pounds; or

(b) in lieu of awarding any other penalty under this section, sentence the person indicted to penal servitude for any term not exceeding five years.

(4.) A person shall be deemed to be interested in a sum of money under this section if he has any share in or any benefit from the payment of that money, though he is not a person to whom it is legally payable.

(5.) An offence under this section is in this Act referred to as an offence of cruelty.

Restrictions on Employment of Children.

2. *Restrictions on employment of children.* If any person—

(a) causes or procures any child, being a boy under the age of fourteen years, or being a girl under the age of sixteen years, or, having the custody, charge, or care of any such child, allows that child to be in any street, premises, or place for the purpose of begging or receiving alms, or of inducing the giving of alms, whether under the pretence of singing, playing, performing, offering anything for sale, or otherwise; or

(b) causes or procures any child, being a boy under the age of fourteen years, or being a girl under the age of sixteen years, or having the custody, charge, or care of any such child, allows that child to be in any street, or in any premises licensed for the sale of any intoxicating liquor, other than premises licensed according to law for public entertainments, for the purpose of singing, playing, or performing for profit, or offering anything for sale, between nine p.m. and six a.m.; or

(c) causes or procures any child under the age of eleven years, or having the custody, charge, or care of any such child, allows that child to be at any time in any street, or in any premises licensed for the sale of any intoxicating liquor, or in premises licensed according to law for public entertainments, or in any circus or other place of public amusement to which the public are admitted by payment, for the purpose of singing, playing, or performing for profit, or offering anything for sale; or

(d) causes or procures any child under the age of sixteen years, or having the custody, charge, or care of any such child, allows that child to be in any place for the purpose of being trained as an acrobat, concertist, or circus performer, or of being trained for any exhibition or performance which in its nature is dangerous,

that person shall, on summary conviction, be liable, at the discretion of the court, to a fine not exceeding twenty-five pounds, or alternatively, or in default of payment of such fine, or in addition thereto, to imprisonment, with or without hard labour, for any term not exceeding three months.

Provided that—

(1.) This section shall not apply in the case of any occasional sale or entertainment the net proceeds of which are wholly applied for the benefit of any school or to any charitable object, if such sale or entertainment is held elsewhere than in premises which are licensed for the sale of any intoxicating liquor but not licensed according to law for public entertainments, or if, in the case of a sale or entertainment held in any such

premises as aforesaid, a special exemption from the provisions of this section has been granted in writing under the hands of two justices of the peace; and

- (ii.) Any local authority may, if they think it necessary or desirable so to do, from time to time by bye-law extend or restrict the hours mentioned in paragraph (b) of this section, either on every day or on any specified day or days of the week, and either as to the whole of their district or as to any specified area therein; and
- (iii.) Paragraphs (c) and (d) of this section shall not apply in any case in respect of which a licence granted under this Act is in force, so far as that licence extends; and
- (iv.) Paragraph (d) of this section shall not apply in the case of a person who is the parent or legal guardian of a child, and himself trains the child.

3. Licences for employment of children.] (1.) A petty sessional court, or in Scotland the School Board, may, notwithstanding anything in this Act, grant a licence for such time and during such hours of the day, and subject to such restrictions and conditions as the court or board think fit, for any child exceeding seven years of age,—

- (a) to take part in any entertainment or series of entertainments to take place in premises licensed according to law for public entertainments, or in any circus or other place of public amusement as aforesaid; or
 - (b) to be trained as aforesaid; or
 - (c) for both purposes;
- if satisfied of the fitness of the child for the purpose, and if it is shewn to their satisfaction that proper provision has been made to secure the health and kind treatment of the children taking part in the entertainment or series of entertainments or being trained as aforesaid, and the court or board may, upon sufficient cause, vary, add to, or rescind any such licence.

Any such licence shall be sufficient protection to all persons acting under or in accordance with the same.

(2.) A Secretary of State may assign to any inspector appointed under section sixty-seven of the Factory and Workshop Act, 1878 [41 & 42 Vict. c. 16], specially and in addition to any other usual duties, the duty of seeing whether the restrictions and conditions of any licence under this section are duly complied with, and any such inspector shall have the same power to enter, inspect, and examine any place of public entertainment at which the employment of a child is for the time being licensed under this section as an inspector has to enter, inspect, and examine a factory or workshop under section sixty-eight of the same Act.

(3.) Where any person applies for a licence under this section he shall, at least seven days before making the application, give notice thereof to the chief officer of police for the district in which the licence is to take effect, and that officer may appear or instruct some person to appear before the authority hearing the application, and shew cause why the licence should not be granted, and the authority to whom the application is made shall not grant the same unless they are satisfied that notice has been properly so given.

(4.) Where a licence is granted under this section to any person, that person shall, not less than ten days after the granting of the licence, cause a copy thereof to be sent to the inspector of factories and workshops acting for the district in which the licence is to take effect, and if he fails to cause such copy to be sent, shall be liable on summary conviction to a fine not exceeding five pounds.

(5.) Nothing in this or in the last preceding section shall affect the provisions of the Elementary Education Act, 1876 [39 & 40 Vict. c. 79], or the Education (Scotland) Act, 1878 [41 & 42 Vict. c. 78].

Arrest of Offender and Provision for Safety of Children.

4. Power to take offenders into custody.] (1.) Any constable may take into custody, without warrant, any person—

- (a) who within view of such constable commits an offence under this Act, or any of the offences mentioned in the Schedule to this Act, where the name and residence of such

person are unknown to such constable and cannot be ascertained by such constable; or

- (b.) who has committed or who he has reason to believe has committed any offence of cruelty within the meaning of this Act, or any of the offences mentioned in the Schedule to this Act, if he has reasonable ground for believing that such person will abscond, or if the name and address of such person are unknown to and cannot be ascertained by the constable.

(2.) Where a constable arrests any person without warrant in pursuance of this section, the inspector or constable in charge of the station to which such person is conveyed shall, unless in his belief the release of such person on bail would tend to defeat the ends of justice, or to cause injury or danger to the child against whom the offence is alleged to have been committed, release the person arrested on his entering into such a recognizance, with or without sureties, as may in his judgment be required to secure the attendance of such person upon the hearing of the charge.

5. Detention of child in place of safety.] (1.) A constable may take to a place of safety any child in respect of whom an offence under paragraph (a) of section two of this Act has been committed, or in respect of whom an offence of cruelty within the meaning of this Act, or any of the offences mentioned in the Schedule to this Act has been, or there is reason to believe has been committed.

(2.) A child so taken to a place of safety, and also any child under the age of sixteen years who seeks refuge in a place of safety, may there be detained until it can be brought before a court of summary jurisdiction, and that court may make such order as is mentioned in the next following sub-section, or may cause the child to be dealt with as circumstances may admit and require until the charge made against any person in respect of any offence as aforesaid with regard to the child has been determined by the committal for trial, or conviction, or discharge of such person.

(3.) Where it appears to a court of summary jurisdiction or any justice that an offence of cruelty within the meaning of this Act or any of the offences mentioned in the Schedule to this Act has been committed in the case of any child that is brought before such court or justice, and that the health or safety of the child will be endangered unless an order is made under this sub-section, the court or justice may, without prejudice to any other power under this Act, make such order as circumstances require for the care and detention of the child until a reasonable time has elapsed for a charge to be made against some person for having committed the offence, and, if a charge is made against any person within that time, until the charge has been determined by the committal for trial or conviction or discharge of that person, and any such order may be carried out notwithstanding that any person claims the custody of the child.

(4.) Boards of guardians, and, in Scotland, parochial boards, shall provide for the reception of children brought to a workhouse in pursuance of this Act, and where the place of safety to which a constable takes a child is a workhouse, the master shall receive the child into the workhouse if there is suitable accommodation therein for the same, and shall detain the child until the case is determined, and any expenses incurred in respect of the child shall be deemed to be expenses incurred in the relief of the poor.

6. Disposal of child by order of court.] (1.) Where a person having the custody, charge, or care of a child under the age of sixteen years has been—

- (a) convicted of committing in respect of such child an offence of cruelty within the meaning of this Act, or any of the offences mentioned in the Schedule to this Act; or
- (b) committed for trial for any such offence; or
- (c) bound over to keep the peace towards such child,

by any court, that court, either at the time when the person is so convicted, committed for trial, or bound over, and without requiring any new proceedings to be instituted for the purpose, or at any other time, and also any petty sessional court before which any person may bring the case, may, if satisfied on inquiry that it is expedient so to deal with the child, order that the child be taken out

of the custody of the person so convicted, committed for trial, or bound over, and be committed to the custody of a relation of the child, or some other fit person named by the court (such relation or other person being willing to undertake such custody), until it attains the age of sixteen years, or for any shorter period, and may of its own motion or on the application of any person from time to time by order renew, vary, and revoke any such order; but no order shall be made under this section unless a parent of the child has been convicted of or committed for trial for the offence, or is under committal for trial for having been or has been proved to have been party or privy to the offence, or has been bound over to keep the peace towards such child.

(2.) Every order under this section shall be in writing, and any such order may be made by the court in the absence of the child; and the consent of any person to undertake the custody of a child in pursuance of any such order shall be proved in such manner as the court may think sufficient to bind him.

(3.) Where an order is made under this section in respect of a person who has been committed for trial, then if that person is acquitted of the charge, or if the charge is dismissed for want of prosecution, the order shall forthwith be void except with regard to anything that may have been lawfully done under it.

(4.) A Secretary of State in England, and in Scotland the Secretary for Scotland, and in Ireland the Lord Lieutenant of Ireland, may at any time in his discretion discharge a child from the custody of any person to whose custody it is committed in pursuance of this section, either absolutely or on such conditions as such Secretary of State, Secretary, or Lord Lieutenant, approves, and may, if he thinks fit, make rules in relation to children so committed to the custody of any person, and to the duties of such persons with respect to such children.

(5.) A Secretary of State, in any case where it appears to him to be for the benefit of a child who has been committed to the custody of any person in pursuance of this section, may empower such person to procure the emigration of the child, but, except with such authority, no person to whose custody a child is so committed shall procure its emigration.

7. Maintenance of child when committed to custody of any person under order of court.]

(1.) Any person to whose custody a child is committed under this Act shall, whilst the order is in force, have the like control over the child as if he were its parent, and shall be responsible for its maintenance, and the child shall continue in the custody of such person, notwithstanding that it is claimed by its parent.

(2.) Any court having power so to commit a child shall have power to make the like orders on the parent of the child to contribute to its maintenance during such period as aforesaid as if the child were detained under the Industrial Schools Acts, but the limit on the amount of the weekly sum which the parent of a child may be required, under this section, to contribute to its maintenance shall be one pound a week instead of the limit fixed by the Industrial Schools Acts.

(3.) Any such order may be made on the complaint or application of the person to whose custody the child is for the time being committed, and either at the time when the order for the child's committal to custody is made, or subsequently, and the sums contributed by the parent shall be paid to such person as the court may name, and be applied for the maintenance of the child.

(4.) If a person fails to pay any sum payable by him in pursuance of any such order, he may be dealt with in like manner as if the sum were due from him in pursuance of an order under the Bastardy Law Amendment Act, 1872 [35 & 36 Vict. c. 65], or in Scotland were a sum decreed for alimony, or in Ireland were a sum ordered to be paid by him under the Summary Jurisdiction (Ireland) Act.

(5.) Where an order under this Act to commit a child to the custody of some relation or other person is made in respect of a person who has been committed for trial for an offence, the court shall not have power to order the parent of the child to contribute to its maintenance prior to the trial of that person.

8. Religious persuasion of person to whom child is committed. (1.) In determining on the person to whose custody the child shall be committed under this Act, the court shall endeavour to ascertain the religious persuasion to which the child belongs, and shall, if possible, select a person of the same religious persuasion, or a person who gives such undertaking as seems to the court sufficient that the child shall be brought up in accordance with its own religious persuasion and such religious persuasion shall be specified in the order.

(2.) In any case where the child has been placed pursuant to any such order with a person who is not of the same religious persuasion as that to which the child belongs or who has not given such undertaking as aforesaid the court shall, on the application of any person in that behalf, and on its appearing that a fit person who is of the same religious persuasion or who will give such undertaking as aforesaid, is willing to undertake the custody, make an order to secure his being placed with a person who either is of the same religious persuasion or gives such undertaking as aforesaid.

(3.) Where a child has been placed with a person who gives such undertaking as aforesaid, and the undertaking is not observed, the child shall be deemed to have been placed with a person not of the same religious persuasion as that to which the child belongs as if no such undertaking had been given.

9. Interchange of powers under Industrial Schools Act and this Act. (1.) Where any child under the age of sixteen years is brought before a petty sessional court under circumstances authorizing the court to deal with the child under the Industrial Schools Act, the court, if it thinks fit, in lieu of ordering that the child be sent to an industrial school, may make an order under this Act for the commitment of the child to the custody of a relation or person named by the court.

(2.) Where a court orders a child to be sent to an industrial school, the order may, at the discretion of the court, be made to take effect either immediately or at any later time specified therein, regard being had to the age or health of the child; and if the order is not made to take effect immediately, or if at the time specified for the order to take effect the child is deemed unfit to be sent to an industrial school, the court may commit the child to the custody of a relation or person named by the court, as provided by this Act, until the time so specified or the time when the order actually takes effect.

10. Warrant to search for and remove a child. (1.) If it appears to any stipendiary magistrate or to any two justices of the peace, on information made before him or them on oath by any person who, in the opinion of the magistrate or justices, is bona fide acting in the interests of a child under the age of sixteen years, that there is reasonable cause to suspect that such a child has been or is being assaulted, ill-treated, or neglected in any place within the jurisdiction of such magistrate or justices in a manner likely to cause the child unnecessary suffering or to be injurious to its health, or that any offence mentioned in the schedule to this Act has been or is being committed in respect of such a child, such magistrate or justices may issue a warrant authorizing any person named therein to search for such child, and if it is found to have been or to be assaulted, ill-treated, or neglected in manner aforesaid, or that any such offence as aforesaid has been or is being committed in respect of the child, to take it to and detain it in a place of safety, until it can be brought before a court of summary jurisdiction, or authorizing any person to remove the child with or without search to a place of safety and detain it there until it can be brought before a court of summary jurisdiction; and the court before whom the child is brought may cause it to be dealt with in the manner provided by section five of this Act:

Provided that—

- (a) the powers herein-before conferred on any two justices may be exercised by any one justice, if upon the information it appears to him to be a case of urgency; and
- (b) in the case of Scotland the jurisdiction hereby conferred on a magistrate or two justices shall be exercised only by a sheriff or sheriff substitute.

(2.) Any person issuing a warrant under this section may by the same warrant cause any person accused of any offence in respect of the child to be apprehended and brought before a justice, and proceedings to be taken for punishing such person according to law.

(3.) Any person authorized by warrant under this section to search for any child, or to remove any child with or without search, may enter (if need be by force) any house, building, or other place specified in the warrant, and may remove the child therefrom.

(4.) Every warrant issued under this section shall be addressed to and executed by some superintendent, inspector, or other superior officer of police, who shall be accompanied by the person making the information, if such person so desire, unless the persons by whom the warrant is issued otherwise direct, and may also, if the persons by whom the warrant is issued so direct, be accompanied by a registered medical practitioner.

(5.) It shall not be necessary in any information or warrant under this section to name the child.

Power as to Habitual Drunkards.

11. Power as to habitual drunkards. Where it appears to the court by or before which any person is convicted of the offence of cruelty within the meaning of this Act, or of any of the offences mentioned in the Schedule to this Act, that that person is a parent of the child in respect of whom the offence was committed, or is living with the parent of the child, and is an habitual drunkard within the meaning of the Inebriates Acts, 1879 [42 & 43 Vict. c. 19] and 1888 [51 & 52 Vict. c. 19], the court, in lieu of sentencing such person to imprisonment, may, if it thinks fit, make an order for his detention for any period named in the order not exceeding twelve months in a retreat under the said Acts, the licensee of which is willing to receive him, and the said order shall have the like effect, and copies thereof shall be sent to the local authority and Secretary of State in like manner as if it were an application duly made by such person and duly attested by two justices under the said Acts; and the court may order an officer of the court or constable to remove such person to the retreat, and on his reception the said Acts shall have effect as if he had been admitted in pursuance of an application so made and attested as aforesaid: Provided that—

- (a) an order for the detention of a person in a retreat shall not be made under this section unless that person, having had such notice as the court deems sufficient of the intention to allege habitual drunkenness, consents to the order being made; and,
- (b) if the wife or husband of such person, being present at the hearing of the charge, objects to the order being made, the court shall, before making the order, take into consideration any representation made to it by the wife or husband; and
- (c) before making the order the court shall, to such extent as it may deem reasonably sufficient, be satisfied that provision will be made for defraying the expenses of such person during detention in a retreat.

Evidence and Procedure.

12. Evidence of accused person. In any proceeding against any person for an offence under this Act or for any of the offences mentioned in the Schedule to this Act, such person shall be competent but not compellable to give evidence, and the wife or husband of such person may be required to attend to give evidence as an ordinary witness in the case, and shall be competent but not compellable to give evidence.

13. Extension of power to take deposition of child. (1.) Where a justice is satisfied by the evidence of a registered medical practitioner that the attendance before a court of any child, in respect of whom an offence of cruelty within the meaning of this Act or any of the offences mentioned in the Schedule to this Act is alleged to have been committed, would involve serious danger to its life or health, the justice may take in writing the deposition of such child on oath, and shall thereupon subscribe the same and add thereto a statement of his reason for taking the same, and of the day when and place where the same was taken, and of

the names of the persons (if any) present at the taking thereof.

(2.) The justice taking any such deposition shall transmit the same with his statement—

- (a) if the deposition relates to an offence for which any accused person is already committed for trial, to the proper officer of the court for trial at which the accused person has been committed; and
- (b) in any other case to the clerk of the peace of the county or borough in which the deposition has been taken;

and the clerk of the peace to whom any such deposition is transmitted shall preserve, file, and record the same.

14. Admission of deposition of child in evidence. Where on the trial of any person on indictment for any offence of cruelty within the meaning of this Act or any of the offences mentioned in the Schedule to this Act, the court is satisfied by the evidence of a registered medical practitioner that the attendance before the court of any child in respect of whom the offence is alleged to have been committed would involve serious danger to its life or health, any deposition of the child taken under the Indictable Offences Act, 1848 [11 & 12 Vict. c. 42], or the Indictable Offences (Ireland) Act, 1849 [12 & 13 Vict. c. 69], or the Petty Sessions (Ireland) Act, 1851 [14 & 15 Vict. c. 93], or this Act, shall be admissible in evidence either for or against the accused person without further proof thereof—

- (a) if it purports to be signed by the justice by or before whom it purports to be taken; and
- (b) if it is proved that reasonable notice of the intention to take the deposition has been served upon the person against whom it is proposed to use the same as evidence, and that that person or his counsel or solicitor had, or might have had if he had chosen to be present, an opportunity of cross-examining the child making the deposition.

15. Evidence of child of tender years. (1.) Where, in any proceeding against any person for an offence under this Act or for any of the offences mentioned in the Schedule to this Act, the child in respect of whom the offence is charged to have been committed, or any other child of tender years who is tendered as a witness, does not in the opinion of the court understand the nature of an oath, the evidence of such child may be received, though not given upon oath, if, in the opinion of the court, such child is possessed of sufficient intelligence to justify the reception of the evidence, and understands the duty of speaking the truth: and the evidence of such child, though not given on oath but otherwise taken and reduced into writing, in accordance with the provisions of section seventeen of the Indictable Offences Act, 1848 [11 & 12 Vict. c. 42], or of section fourteen of the Petty Sessions (Ireland) Act, 1851 [14 & 15 Vict. c. 93], or of section thirteen of this Act, shall be deemed to be a deposition within the meaning of those sections respectively:

Provided that—

- (a) A person shall not be liable to be convicted of the offence unless the testimony admitted by virtue of this section and given on behalf of the prosecution is corroborated by some other material evidence in support thereof implicating the accused; and
- (b) Any child whose evidence is received as aforesaid and who shall wilfully give false evidence shall be liable to be indicted and tried for such offence, and on conviction thereof may be adjudged such punishment as is provided for by section eleven of the Summary Jurisdiction Act, 1879 [42 & 43 Vict. c. 49], in the case of juvenile offenders, or in Ireland by section four of the Summary Jurisdiction over Children (Ireland) Act, 1884 [47 & 48 Vict. c. 19], in the case of children.

(2.) This section shall not apply to Scotland.

16. Power to proceed with case in absence of child. Where in any proceedings with relation to an offence of cruelty within the meaning of this Act, or any of the offences mentioned in the Schedule to this Act, the court is satisfied by the evidence of a registered medical practitioner that the attendance before the court of any child in respect of

whom the offence is alleged to have been committed would involve serious danger to its life or health, and is further satisfied that the evidence of the child is not essential to the just hearing of the case, the case may be proceeded with and determined in the absence of the child.

17. *Presumption of age of child.*] Where a person is charged with an offence under this Act, or any of the offences mentioned in the Schedule to this Act, in respect of a child who is alleged in the charge or indictment to be under any specified age, and the child appears to the court to be under that age, such child shall for the purposes of this Act be deemed to be under that age, unless the contrary is proved.

18. *Mode of charging offences and limitation of time.*] (1.) Where a person is charged with committing an offence under this Act or any of the offences mentioned in the Schedule to this Act in respect of two or more children, the same information or summons may charge the offence in respect of all or any of them but the person charged shall not be liable to a separate penalty for each child unless upon separate informations.

(2.) The same information or summons may also charge the offences of assault, ill-treatment, neglect, abandonment, or exposure, together or separately, but when those offences are charged together the person charged shall not be liable to a separate penalty for each.

(3.) A person shall not be summarily convicted of an offence under this Act or of an offence mentioned in the Schedule to this Act unless the offence was wholly or partly committed within six months before the information was laid; but, subject as aforesaid, evidence may be taken of acts constituting, or contributing to constitute, the offence, and committed at any previous time.

(4.) Where an offence under this Act or any offence mentioned in the Schedule to this Act charged against any person is a continuous offence, it shall not be necessary to specify in the information, summons, or indictment, the date of the acts constituting the offence.

19. *Appeal from summary conviction to quarter sessions.*] When, in pursuance of this Act, any person is convicted by a court of summary jurisdiction of an offence, and such person did not plead guilty or admit the truth of the information, or when in the case of any application under sections six, seven, or eight of this Act, other than an application to a judge or court of assize, any party thereto thinks himself aggrieved by any order or decision of the court, he may appeal against such a conviction, or order, or decision, in England and Ireland to a court of quarter sessions, and in Scotland to the High Court of Justiciary, in manner provided by the Summary Prosecutions Appeal (Scotland) Act, 1875 [38 & 39 Vict. c. 62], or any Act amending the same.

20. *Expenses of prosecution.*] (1.) Where a misdemeanour under this Act is tried on indictment, the expenses of the prosecution shall be defrayed in like manner as in the case of a felony.

(2.) This section shall not apply to Scotland.

21. *Guardians may pay costs of proceedings.*] A board of guardians, or in Scotland the parochial board of any parish or combination, may, out of the funds under their control, pay the reasonable costs and expenses of any proceedings which they have directed to be taken under this Act in regard to the assault, ill-treatment, neglect, abandonment, or exposure of any child, and, in the case of a union, shall charge such costs and expenses to the common fund.

Supplemental.

22. *Provision as to by-laws.*] Every by-law under this Act shall be subject—

(a.) In England to section one hundred and eighty-four of the Public Health Act, 1875 [38 & 39 Vict. c. 55], as if every local authority in England under this Act were a local authority within the meaning of that section, but with the substitution of Secretary of State for the Local Government Board; and

(b.) In Scotland to so much of section sixty-two of the Public Health (Scotland) Act, 1867 [30 & 31 Vict. c. 105], as provides for the confirmation of rules and regulations and the

proceedings preliminary to confirmation as if such rules and regulations included by-laws under this Act, and the local authority under this Act were a local authority within the meaning of that section, but with the substitution of the Secretary for Scotland for the Board of Supervision; and

(c.) In Ireland to section two hundred and twenty-one of the Public Health (Ireland) Act, 1878 [41 & 42 Vict. c. 52], with the substitution of Lord Lieutenant for the Local Government Board.

23. *Provision as to parents and as to meaning of "custody, charge, or care."*] (1.) The provisions of this Act relating to the parent of a child shall apply to the step-parent of the child and to any person cohabiting with the parent of the child, and the expression "parent" when used in relation to a child includes guardian and every person who is by law liable to maintain the child.

(2.) This Act shall apply in the case of a parent who being without means to maintain a child fails to provide for its maintenance under the Acts relating to the relief of the poor, in like manner as if the parent had otherwise neglected the child.

(3.) For the purposes of this Act—

Any person who is the parent of a child shall be presumed to have the custody of the child; and

Any person to whose charge a child is committed by its parent shall be presumed to have charge of the child; and

Any other person having actual possession or control of a child shall be presumed to have the care of the child.

24. *Right of parent, &c., to administer punishment.*] Nothing in this Act shall be construed to take away or affect the right of any parent, teacher, or other person having the lawful control or charge of a child to administer punishment to such child.

25. *General definitions.*] In this Act unless the context otherwise requires—

The expression "local authority" means, as regards any borough in England, the council of the borough; as regards the city of London, the common council; as regards the county of London, the county council; and as regards any other place in England, the district council, and until a district council is established the urban or rural sanitary authority;

The expression "chief officer of police" means—in the city of London and the liberties thereof, the commissioner of city police;

in the metropolitan police district, the commissioner of police of the metropolis; elsewhere in England, the chief constable, or head constable or other officer, by whatever name called, having the chief local command of the police in the police district in reference to which such expression occurs;

The expression "street" includes any highway or other public place, whether a thoroughfare or not;

The expression "place of safety" includes any place certified by the local authority under this Act for the purposes of this Act, and also includes any workhouse or police station, or any hospital surgery, or place of the like kind;

The expression "Industrial Schools Acts" means as regards England and Scotland the Industrial Schools Act, 1866 [29 & 30 Vict. c. 118], and the Acts amending the same.

26. *Application of Act to Scotland.*] In the application of this Act to Scotland, unless the context otherwise requires—

The Secretary for Scotland shall be substituted for a Secretary of State;

The expression "local authority" means as regards any burgh in Scotland, being either a royal burgh or a burgh returning or contributing to return a member to Parliament, the town council; as regards any police burgh in Scotland, the Commissioners of Police thereof, and as regards any county in Scotland exclusive of any such burgh, the county council;

The expression "chief officer of police" means the chief constable, or head constable, super-

intendent or inspector, or other officer, by whatever name called, having the chief local command of the police in the police district in reference to which such expression occurs; The expression "court of summary jurisdiction," the expression "petty sessional court," and the expression "justice of the peace" mean the sheriff or sheriff substitute;

The expression "misdemeanour" means crime and offence;

The expression "manslaughter" means culpable homicide;

The expression "defendant" includes panel, respondent, or person charged;

The expression "enter into a recognizance with or without sureties" means grant a bond of caution;

The expression "workhouse" means poor house.

27. *Application of Act to Ireland.*] In the application of this Act to Ireland, unless the context otherwise requires—

The Chief Secretary shall be substituted for a Secretary of State;

The expression "local authority" means the sanitary authority within the meaning of the Public Health (Ireland) Act, 1878 [41 & 42 Vict. c. 52];

The expression "chief officer of police" means in the police district of Dublin metropolis the chief commissioner of the police for the said district; and in any other police district the county inspector of the Royal Irish Constabulary;

The expression "committed for trial" means committed to prison or admitted to bail in manner provided in the Summary Jurisdiction (Ireland) Acts;

The expression "petty sessional court" means a court of summary jurisdiction;

The expression "Industrial Schools Acts" means the Industrial Schools Act (Ireland), 1868 [31 & 32 Vict. c. 25], and any Act amending the same.

28. *Short title and repeal.*] (1.) This Act may be cited as the Prevention of Cruelty to Children Act, 1894.

(2.) The Prevention of Cruelty to, and Protection of, Children Act, 1889 [52 & 53 Vict. c. 44], and the Prevention of Cruelty to Children (Amendment) Act, 1894 [57 & 58 Vict. c. 27], are hereby repealed.

(3.) This Act shall come into operation on the twenty-first day of August one thousand eight hundred and ninety-four.

SCHEDULE.

Any offence under sections twenty-seven, fifty-five, or fifty-six of the Offences against the Person Act, 1861 [24 & 25 Vict. c. 100], and any offence against a child under the age of sixteen years under sections forty-three or fifty-two of that Act.

Any offence under the Children's Dangerous Performances Act, 1879 [42 & 43 Vict. c. 34].

Any other offence involving bodily injury to a child under the age of sixteen years.

CHAPTER 42.

[Quarries Act, 1894.]

An Act to provide for the better Regulation of Quarries. [25th August 1894.]

Be it enacted, &c.:

1. *Application of Act.*] This Act shall apply to every place (not being a mine) in which persons work in getting slate, stone, coprolites, or other minerals, and any part of which is more than twenty feet deep, and every such place is in this Act referred to as a quarry under this Act.

2. *Application to quarries of certain provisions of 35 & 36 Vict. c. 77, 38 & 39 Vict. c. 39, 54 & 55 Vict. c. 47.*] (1.) The provisions of the Metalliferous Mines Regulation Acts, 1872 and 1875, and the Metalliferous Mines (Isle of Man) Act, 1891, specified in the schedule to this Act, shall, subject to the modifications therein specified, apply in the case of every quarry under this Act in like manner as they apply in the case of a mine.

(2.) The inspectors under the Metalliferous

Mines Regulation Acts, 1872 and 1875, shall be inspectors of the quarries under this Act.

(3.) In the appointment of such inspectors in Wales and Monmouthshire among candidates equally qualified persons having a knowledge of the Welsh language shall be preferred.

3. *Modifications of application of Factory Acts to quarries.*] In the application of the Factory and Workshop Acts, 1878 to 1891, and of any future Act amending the same, to quarries under this Act, the following modifications shall be made—

(a.) In every such quarry the powers of the inspectors under those Acts shall be transferred to and exercised by the inspectors under the Metalliferous Mines Regulation Acts, 1872 and 1875;

(b.) Sections thirty-one and thirty-two of the Factory and Workshop Act, 1878, shall not apply to any such quarry;

(c.) Nothing in section fifty-eight of the Factory and Workshop Act, 1878, shall prevent the employment in any such quarry of young persons in three shifts for not more than eight hours each.

4. *Commencement of Act.*] This Act shall come into operation on the first day of January, one thousand eight hundred and ninety-five.

5. *Short title.*] This Act may be cited as the Quarries Act, 1894.

SCHEDULE.

PROVISIONS OF METALLIFEROUS MINES ACTS APPLIED TO QUARRIES [Section 2].

Metalliferous Mines Regulation Act, 1872 (35 & 36 Vict. c. 77).

Section nine.

Section eleven, with the substitution of the word "explosive" for the word "powder."

Sections fifteen to eighteen.

Sections twenty to twenty-two.

Sections twenty-four to forty.

In section forty-one, the definitions of "owner" and "agent," and the definition of "court of summary jurisdiction" so far as it relates to Scotland.

Sections forty-two and forty-three.

Metalliferous Mines Regulation Act, 1875 (38 & 39 Vict. c. 39).

Section one, except the proviso.

Metalliferous Mines (Isle of Man) Act, 1891 (54 & 55 Vict. c. 47).

Section one.

CHAPTER 43.

[*Crown Lands Act, 1894.*]

An Act to amend the Law relating to the Management of the Woods, Forests, and Land Revenues of the Crown.

[25th August 1894.]

Be it enacted, &c.:

1. *Investment of capital money.*] The Commissioners of Woods may, with the consent, general or special, of the Treasury, cause any sums received or to be received in respect of the capital of the land revenues of the Crown, whether at the time in a state of investment or not, to be invested in any one or more of the modes authorised by section one of the Trustee Act, 1893 [56 & 57 Vict. c. 53], and may vary any such investment, and the provisions of the Crown Lands Act, 1829 [10 G. 4, c. 50], and the Acts amending the same, shall apply to any such investment as they apply to investments authorised by the Crown Lands Act, 1829.

2. *Extension of power to pay for improvements out of capital.*] The power given to the Treasury by section one of the Crown Lands Act, 1868 [39 & 40 Vict. c. 63] (being a power to direct the costs of certain improvements to be charged to capital and repaid out of income), shall extend to any operation, work, matter, or thing, being within the description of improvements contained in section twenty-five of the Settled Land Act, 1882 [45 & 46 Vict. c. 38], and effected or done after the passing of this Act.

3. *Capitalisation of moiety of income from mines.* (1.) From and after the thirty-first day of March

one thousand eight hundred and ninety-four, one moiety of the gross annual income of the land revenues of the Crown received, and one moiety of the expenses incurred by the Commissioners of Woods, in respect of any substance obtained by mining, quarrying, or excavating, shall be carried to the account of the capital of the land revenue of the Crown, and the residue of the said gross annual income and expenses shall be carried to the account of the income of such land revenue.

(2.) For the purposes aforesaid, the Commissioners of Woods shall keep a separate account, in such form as the Treasury direct, to be called the Mines Account, and this account shall include all receipts and outgoings in respect of the sources of revenue in this section mentioned, and shall shew the respective amounts to be carried under this section to the capital and to the income of the land revenue of the Crown.

(3.) Section two of the Crown Lands Act, 1866 [29 & 30 Vict. c. 62], shall be repealed as from the date aforesaid.

4. *Provision as to purchase of leasehold interests.* (1.) If the Commissioners of Woods in exercise of the powers conferred by the Crown Lands Act, 1829, purchase any leasehold interest in any Crown land under their management, any purchase-money paid therefor out of the capital money of the land revenues of the Crown shall be repaid out of the income of the land revenues of the Crown by such equal annual instalments as will replace the said capital money without interest within the period of forty years from the date when the purchase takes effect, or within the unexpired period of the term for which the lease was granted, whichever period is shorter.

(2.) The Commissioners of Woods may also purchase any such leasehold interest in consideration wholly or partly of an annuity for a period not exceeding forty years or the unexpired term for which the lease was granted, whichever period is shorter, and any person having power to sell any such interest, may, unless expressly prohibited by the terms of any settlement, sell the same for such consideration as aforesaid.

5. *Donations for religious or other purposes.* (1.) Section forty-five of the Crown Lands Act, 1829 [10 Geo. 4, c. 50], and sections three, four, and five of the Crown Lands (Scotland) Act, 1835 [5 & 6 Will. 4, c. 58] (authorising the grant of lands for churches, chapels, and other purposes), are hereby repealed.

(2.) The Commissioners of Woods may, with the consent of the Treasury, make, out of the income of the land revenues of the Crown, donations of money for any religious or educational purposes connected with land under the management of the Commissioners, or for the purposes of any hospital, infirmary, or cemetery.

6. *New lease to operate as surrender of old lease.*] Where any person, in whom property belonging to the Crown is vested under a lease, accepts a new lease of the property, either to begin presently or at any time during the continuance of the existing lease, the acceptance of the new lease shall, as from the commencement of the term of the new lease, but subject to anything to the contrary expressed in the new lease, operate as a surrender of the existing lease as to so much of the property demised thereby as is demised by the new lease, but without prejudice to any rights or liabilities existing at the date of the surrender.

7. *Extension of 15 & 16 Vict. c. 62, s. 2, as to release from covenants.*] The power conferred by section two of the Crown Lands Act, 1853, to release from any covenant, condition, or agreement, contained in a lease, shall extend to any covenant, condition, or agreement contained in a grant or other conveyance.

8. *Explanation of powers of Commissioners as to water rights.*] The Commissioners of Woods may, with the consent of the Treasury, release to or waive in favour of any grantee of land from the Commissioners, or any parish council, district council, council of a county borough, or other local authority or body having power by statute to supply water, any water right exercisable by or reserved to the Crown.

9. *Provision as to temporary vacancy in office of Commissioner of Woods.*] It is hereby declared that a vacancy in the office of either of the Commissioners

of Woods does not invalidate any order of the Treasury under section five of the Crown Lands Act, 1851, so far as the order relates to the other Commissioner, or prevent the Treasury from making an order under that section.

10. *Provision as to deputy keeper of records.*] Any certificate or other document required to be given or signed by the Keeper of the Land Revenue Records and Inrolments may be given or signed by any person acting with the sanction of the Treasury as his deputy or assistant, whether the office of the said Keeper is vacant or not, and it shall not be necessary to prove the handwriting of the person so acting or his authority to act.

11. *Settlement of disputed claims in Scotland.* (1.) The provisions of section five of the Crown Lands Act, 1853 [16 & 17 Vict. c. 56], with respect to the settlement of disputed claims, shall extend to disputed claims in Scotland.

(2.) Any order mentioned in that section shall, if it relates to the hereditary possessions and land revenues of the Crown in Scotland, be binding and conclusive when recorded in the office of Her Majesty's Chancery for Scotland.

(3.) With respect to disputed claims in Scotland, that section shall have effect as if the Lord Advocate were substituted therein for Her Majesty's Attorney-General for England or Ireland.

12. *Apportionment of rents in Ireland.*] The power conferred by section sixty-eight of the Landed Estates Court (Ireland) Act, 1858 [21 & 22 Vict. c. 72], of apportioning any Crown rent, and of charging the whole of any such rent on any part of the land charged therewith in exoneration of the remainder of such land, shall extend to any quit rent or other perpetual rent payable to the Crown in respect of land in Ireland, and may be exercised whether the land liable to the payment of the rent is being sold by the High Court or not, and the order or instrument by which the rent is apportioned shall be recorded by the deposit of a duplicate thereof in the Public Record Office in Dublin.

13. *Power to transfer Sunk Island Fund to Ecclesiastical Commissioners.*] Whereas there is now standing in the names of the Archbishop of York and of the Commissioners of Woods in the books of the Bank of England a sum of eight thousand three hundred and thirty-three pounds six shillings and eightpence two and three quarters per centum Consolidated Bank Annuities, which sum is under an Act of the session held in the eleventh year of King George the Fourth and the first year of King William the Fourth, chapter fifty-nine, to be by them held in trust to pay the dividends arising therefrom to the officiating minister for the time being of the parish church of Sunk Island in the east riding of the county of York, and it is expedient that this sum be transferred to the Ecclesiastical Commissioners who have signified their willingness to administer the trusts of the same: Be it therefore enacted—

(1.) The Commissioners of Woods may, at any time after the passing of this Act, transfer the said sum of Bank Annuities to the Ecclesiastical Commissioners, to be by them held and administered on and subject to the trusts on and subject to which that sum was held and administered immediately before the passing of this Act.

(2.) This section shall be sufficient authority for the Bank of England to cause the transfer to be made in their books on the written request of the Commissioners of Woods or any one of them.

(3.) The Ecclesiastical Commissioners may at their discretion from time to time vary the investment of the said fund, and may invest the same in any one or more of the modes authorised by section one of the Trustee Act, 1893 [56 & 57 Vict. c. 53].

14. *Short title.*] This Act may be cited as the Crown Lands Act, 1894, and shall be read with the Crown Lands Acts, 1829 to 1893.

CHAPTER 44.

[*Heritable Securities (Scotland) Act, 1894.*]

An Act to amend the Law relating to Heritable Securities in Scotland. [25th August 1894.]

CHAPTER 45.

[Uniforms Act, 1894.]

An Act to regulate and restrict the wearing of Naval and Military Uniforms.

[25th August 1894.]

Be it enacted, &c.:

1. *Short title.*] This Act may be cited for all purposes as the Uniforms Act, 1894.

2. *Military uniforms not to be worn without authority.*] (1.) It shall not be lawful for any person not serving in Her Majesty's Military Forces to wear without Her Majesty's permission the uniform of any of those forces, or any dress having the appearance or bearing any of the regimental or other distinctive marks of any such uniform: Provided that this enactment shall not prevent—

(a.) A member of a band from wearing at or for the purpose of a public performance by the band at any time within six years after the passing of this Act any dress which, at the passing of this Act, is the recognized uniform of the band, unless the dress is an exact imitation of the uniform of any of Her Majesty's military forces; or

(b.) Any persons from wearing any uniform or dress in the course of a stage play performed in a place duly licensed or authorized for the public performance of stage plays, or in the course of a music hall or circus performance, or in the course of any bona fide military representation.

(2.) If any person contravenes this section he shall be liable on summary conviction to a fine not exceeding five pounds.

3. *Penalty for bringing contempt on uniform.*] If any person not serving in Her Majesty's Naval or Military Forces wears without Her Majesty's permission the uniform of any of those forces, or any dress having the appearance or bearing any of the regimental or other distinctive marks of any such uniform in such a manner or under such circumstances as to be likely to bring contempt upon that uniform, or employs any other person so to wear that uniform or dress, he shall be liable on summary conviction to a fine not exceeding ten pounds, or to imprisonment for a term not exceeding one month.

4. *Interpretation.*] In this Act—
The expression "Her Majesty's Military Forces" means the regular forces, the reserve forces, and the auxiliary forces within the meaning of the Army Act, other than the naval coast volunteers and naval volunteers:
The expression "Her Majesty's Naval Forces" means the Navy, the naval coast volunteers, and the naval volunteers.

5. *Commencement.*] This Act shall come into operation on the first day of January one thousand eight hundred and ninety-five.

CHAPTER 46.

[Copyhold Act, 1894.]

An Act to consolidate the Copyhold Acts.

[25th August 1894.]

Be it enacted, &c.:

PART I.

COMPULSORY ENFRANCHISEMENT.

Right to enfranchise.

1. *Power to enfranchise copyholds.*] Where there is an admitted tenant of copyhold land the lord or the tenant may, subject to the provisions of this Act, require and compel enfranchisement of the land.

Provided that this section shall not apply where the tenant is admitted in respect of a mortgage and the mortgage is not in possession.

2. *Power to extinguish manorial incidents.*] A lord or tenant of any land liable to any heriot, quitrent, free rent, or other manorial incident whatsoever, may require and compel the extinguishment of such rights or incidents affecting the land, and the release and enfranchisement of the land subject thereto, in like manner as nearly as possible as is provided by this Act with respect to the right to compel the enfranchisement of copyhold land

and to the proceedings thereupon, and the provisions of this Act shall apply accordingly.

3. *Fines, &c. to be paid before enfranchisement.*] A tenant shall not be entitled to require an enfranchisement of any land under this Act until after payment or tender—

(a.) in case the land is copyhold and an admittance thereto has not been made since the thirtieth day of June one thousand eight hundred and fifty-three, of such fine and of the value of such heriot (if any) as would become payable in the event of admittance on alienation subsequent to that day, and of two-thirds of such sum as the steward would have been entitled to in respect of the admittance; and

(b.) in case the land is freehold (including customary freehold) and subject to heriots and no heriot has become due or payable since the thirtieth day of June one thousand eight hundred and fifty-three, of the value of such heriot, if any, as would become payable in the event of an admittance or enrolment on alienation, subsequent to that day, and of two-thirds of such sum as the steward would have been entitled to for fees in respect of the alienation or admittance or enrolment; and

(c.) in every other case, of all fines and fees consequent on the last admittance to the land.

4. *Notice of desire to enfranchise.*] A lord or tenant who requires enfranchisement under this Act must give notice in writing, the lord to the tenant or the tenant to the lord, as the case may be, of his desire to have the land enfranchised.

Compensation for Enfranchisement.

5. *Proceedings for ascertaining compensation.*] (1.) When a notice requiring an enfranchisement has been given under this Act, the compensation for the enfranchisement shall be ascertained in accordance with the provisions of this section.

(2.) The lord and the tenant may—

(a.) determine the amount of the compensation by agreement in writing; or

(b.) agree in writing that the Board of Agriculture shall determine the amount; or

(c.) appoint a valuer or valuers to determine the amount.

Provided that—

(i.) if the compensation is not otherwise determined, it shall be ascertained under the direction of the Board, on a valuation made by a valuer or valuers appointed by the lord and tenant; but

(ii.) if the manorial rights to be compensated consist only of heriots, rents, and licences at fixed rates to demise or to fell timber, or of any of these, or the land to be enfranchised is not rated for the relief of the poor at a greater amount than the net annual value of thirty pounds, the valuation shall be made by a valuer to be appointed by the justices at petty sessions holden for the division or place in which the manor or the greater part of it is situate, unless either party to the enfranchisement gives notice that he desires the valuation to be made by a valuer or valuers appointed by the lord and tenant, in which case he shall pay the additional expenses caused by that mode of valuation.

(3.) When a valuer is appointed by justices, a justice who is a lord of the manor shall not take any part in the appointment.

(4.) When the valuation is to be by a valuer or valuers appointed by the lord and tenant—

(a.) The lord and the tenant may each appoint one valuer;

(b.) They may appoint one and the same person;

(c.) If either the lord or the tenant does not appoint a valuer within twenty-eight days after notice has been given to him by the other party to do so, or within such further time, if any, as the Board of Agriculture by order allow, the Board shall appoint a valuer for him;

(d.) The appointment of a valuer by either party cannot be revoked, except with the consent of the other party;

(e.) Where there are two valuers they shall, before proceeding with the valuation, appoint an umpire;

(f.) If they do not within fourteen days after their appointment appoint an umpire, the Board of Agriculture shall appoint an umpire for them.

(5.) The Board of Agriculture may, on the application of either the lord or the tenant, remove a valuer or umpire for misconduct or for refusal or omission to act.

(6.) If a valuer or umpire dies, or becomes incapable, or refuses to act, or is removed, another valuer or umpire, as the case may be, shall, within a time to be fixed by the Board of Agriculture, be appointed in his place by the person and in the manner provided by this section with regard to the valuer or umpire in whose place he is appointed, and in default by the Board. A valuer or umpire appointed under this provision may adopt and act upon any valuation or proceeding agreed on or completed by the valuer or valuers or umpire previously acting.

(7.) Before a valuer or umpire enters on his valuation he shall, in the presence of a justice of the peace, make and subscribe a declaration in the form mentioned in that behalf in the First Schedule to this Act.

(8.) The declaration made by a valuer or umpire must be annexed to the valuation.

(9.) If a valuer or umpire having made a declaration under this section wilfully acts contrary thereto he shall be guilty of a misdemeanour.

6. *Circumstances to be considered by valuers.*] (1.) In making a valuation for the purpose of ascertaining the compensation for a compulsory enfranchisement under this Act, the valuers shall take into account and make due allowance for the facilities for improvements, customs of the manor, fines, heriots, reliefs, quit rents, chief rents, forfeitures, and all other incidents whatsoever of copyhold or customary tenure, and all other circumstances affecting or relating to the land included in the enfranchisement, and all advantages to arise therefrom.

Provided that they shall not take into account or allow for the value of easements.

(2.) The value of the matters to be taken into account in the valuation shall be calculated as at the date of the notice to enfranchise.

7. *Duties of valuers.*] (1.) Valuers appointed for the purpose of ascertaining the compensation for a compulsory enfranchisement shall determine the value of the matters to be taken into account in the valuation at a gross sum of money.

(2.) If the valuers do not agree as to the compensation or any point arising in the valuation, the valuers or either of them may refer the whole matter or the point in dispute to the umpire.

(3.) The valuers shall give their decision within forty-two days after their appointment or within such further time, if any, as the Board of Agriculture by order allow.

(4.) If the valuers do not give their decision within the time allowed by or in pursuance of this Act, and do not refer the matter to the umpire, the Board of Agriculture may direct the umpire to act as valuer.

(5.) The umpire shall give his decision on any matter referred to him within forty-two days after the matter is referred to him.

(6.) The valuers or umpire shall make their decision in such form as the Board of Agriculture direct, and shall deliver the same with the details thereof to the Board, and shall also deliver copies of their decisions to the lord or the tenant.

(7.) If, in the opinion of the Board, the valuation is imperfect or erroneous, they may remit it to the valuers or umpire, as the case may be, for reconsideration or correction.

(8.) If either—

(a.) the valuers do not give their decision within the time allowed to them by or in pursuance of this Act, and the valuation is not referred to the umpire, either by the valuers or either of them or by the direction of the Board; or

(b.) the umpire does not give his decision within the time allowed to him by or in pursuance of this Act; or

(c.) the valuers or the umpire do not, when a decision is remitted to them by the Board

for re-consideration or correction, amend it to the satisfaction of the Board, the compensation shall be determined by the Board after due notice to the lord and tenant.

(9.) Where the compensation is determined by the Board they shall take such proceedings and make such inquiries as they think necessary for the purpose, and shall take into consideration all matters which valuers are bound to take into consideration on a valuation under this Act, and shall communicate the result in writing to the lord and to the tenant, and shall fix a time within which any objection to their determination may be signified to them in writing by the lord or tenant, and shall consider every objection properly made and if necessary alter their determination accordingly.

8. *Compensation to be a rentcharge in certain cases.* (1.) In either of the following cases, namely,—

- (a.) where the enfranchisement is at the instance of the lord; or
- (b.) where the land can, in the opinion of the Board of Agriculture, be sufficiently identified, and the compensation amounts to more than one year's improved value of the land,

unless the parties otherwise agree, or the tenant within ten days after the receipt by him of the draft of the proposed award of enfranchisement gives to the Board notice in writing that he desires to pay the compensation in a gross sum, the compensation shall be an annual rentcharge, commencing from the date of the notice to enfranchise and issuing out of the land enfranchised, equivalent to interest at the rate of four per cent. per annum on the amount of the compensation.

(2.) Except where it is provided by this section that the compensation shall be charged by way of rent-charge, the compensation shall be paid in a gross sum before the completion of the enfranchisement.

9. *Steward's compensation.* On a compulsory enfranchisement the tenant shall pay to the steward the compensation mentioned in the Second Schedule to this Act.

Award of Enfranchisement.

10. *Board to make award of enfranchisement.* (1.) When the compensation for a compulsory enfranchisement has been ascertained under the provisions of this Act, the Board of Agriculture, having made such inquiries as they think proper, and having considered any applications made to them by the parties, may make in such form as they provide an award of enfranchisement on the basis of the compensation, and may confirm the award.

(2.) The award shall state whether the compensation is a gross sum or a rentcharge, and the amount thereof, and where it is a rentcharge shall make the land subject thereto and chargeable therewith.

(3.) The Board shall fourteen days before confirming the award send to the tenant and to the steward, unless the proposed award has been already perused by them respectively, a copy of the proposed award.

(4.) Where the compensation is a gross sum the award shall not be confirmed until the receipt of the person entitled to receive the compensation has been produced to the Board.

(5.) The Board shall send a copy of the confirmed award sealed or stamped with the seal of the Board to the lord, and the lord shall cause the copy to be entered in the court rolls of the manor.

(6.) The date at which a compulsory enfranchisement shall take effect may be fixed by the confirmation of the award of enfranchisement, and if not so fixed, shall be the date of the confirmation of the award.

Restrictions on Enfranchisement.

11. *Power for lord in certain cases to purchase tenant's interest.* (1.) Where a notice requiring the enfranchisement of any land under this Act is given by the tenant, and the lord shows to the satisfaction of the Board of Agriculture that any change in the condition of the land which but for the enfranchisement would or might be prevented by the incidents or conditions of the tenure of the

land, will prejudicially affect the enjoyment or value of the mansion house, park, gardens, or pleasure grounds of the lord, the lord may give to the tenant notice in writing that he offers to purchase the tenant's interest in the land.

(2.) If the tenant accepts the offer he shall do so by sending to the Board, within twenty-eight days after he has received notice of the offer, notice in writing of his acceptance, and thereupon the offer and the acceptance shall be binding on the lord and the tenant.

(3.) If the tenant does not accept the offer the enfranchisement shall not take place unless the Board think fit to impose such terms and conditions as are in their opinion sufficient to protect the interests of the lord.

(4.) Where a purchase is being made under this section, if the consideration for the purchase is not within a time allowed by the Board settled by agreement between the lord and the tenant, the Board may appoint a valuer to ascertain the value of the tenant's interest, or may refer it to the valuers, if any, acting in the enfranchisement.

(5.) When the value of the tenant's interest has been agreed on or ascertained, the Board shall issue, under their seal, a certificate which shall define the land included in the purchase, and shall state the consideration for the purchase, and fix a time for the payment of the consideration.

(6.) On the payment of the consideration the tenant shall execute a conveyance of his interest in the land to the lord in such form as the Board direct, and on the execution of the conveyance the land shall vest in the lord accordingly.

(7.) If the consideration is not paid within the time fixed by the certificate or such further time as the Board allow, and the Board are of opinion that the nonpayment arises from the default of the lord, they may cancel the certificate, and thereupon the enfranchisement shall be proceeded with (but subject to the provisions of this section as to expenses) as if this section had not been passed.

(8.) Where a purchase is made under this section all the costs of the valuation and all the expenses attending the purchase, including the expenses of the conveyance, shall be paid by the lord.

(9.) Where a purchase is, by the default of the lord, not completed, all expenses which the Board certify to have been incurred by the tenant in consequence of the offer, acceptance, and default shall be paid by the lord to the tenant.

12. *Power for Board to suspend enfranchisement in certain cases.* (1.) The Board of Agriculture may suspend any proceedings for a compulsory enfranchisement under this Act where any peculiar circumstances make it impossible, in their opinion, to decide on the prospective value of the land proposed to be enfranchised, or where any special hardship or injustice would unavoidably result from compulsory enfranchisement.

(2.) Where the Board suspend a proposed enfranchisement under this section they shall state their reasons for doing so in their annual report which is by this Act directed to be laid before Parliament.

13. *Power for Board to continue conditions to user.* On a compulsory enfranchisement under this Act, in any case where the tenant was admitted subject to any condition affecting the user of the land and imposed for the benefit of the public or of the other tenants of the manor, and in the opinion of the Board of Agriculture some special hardship or injustice would result if the land were released from the condition, the Board may continue and give effect to the condition by the award of enfranchisement.

PART II.

VOLUNTARY ENFRANCHISEMENT.

14. *Power to effect voluntary enfranchisement.* (1.) The lord of any manor may with the consent of the Board of Agriculture enfranchise any land held of the manor, and any tenant may with the consent of the Board accept an enfranchisement of his land.

(2.) The enfranchisement may be on such terms as subject to the provisions of this Act are settled by agreement between the lord and the tenant.

(3.) If the estate of the lord or of the tenant parties to the enfranchisement is less than an estate

in fee simple in possession or corresponding copyhold or customary estate, and the tenant has not paid the whole of the cost of enfranchisement, the lord or tenant respectively shall give notice in writing of the proposed enfranchisement to the person entitled to the next estate of inheritance in remainder or reversion in the manor or land to be affected by the enfranchisement.

15. *Consideration for voluntary enfranchisement.* (1.) The consideration for a voluntary enfranchisement under this Act may be either—

- (a) a gross sum payable at once or at any time fixed by the agreement; or
- (b) a rentcharge charged on and issuing out of the land enfranchised; or
- (c) a conveyance of land or of a right to mines or minerals; or
- (d) a conveyance of a right to waste in lands belonging to the manor,

or may be provided partly in one and partly in another or others of those ways.

(2.) Land or a right to mines or minerals subject to the same or corresponding uses and trusts with the land enfranchised may be conveyed as consideration under this section.

(3.) Where the estate of the lord is less than an estate in fee simple in possession, and land not parcel of the manor, or a right to mines or minerals not in or under the land enfranchised, is conveyed as consideration under this section, the land or right must be convenient in the opinion of the Board of Agriculture to be held with the manor, and must be settled to uses or on trusts identical with or corresponding to those to or on which the manor is held.

16. *Voluntary enfranchisement to be by deed.* (1.) A voluntary enfranchisement under this Act may be effected with the consent of the Board of Agriculture by such a deed as would be proper on an enfranchisement by a lord seized of the manor for an absolute estate in fee simple in possession.

(2.) Where any person is entitled to notice of the proposed enfranchisement, the assent or dissent or acquiescence of that person in respect of the enfranchisement may be stated in writing to the Board of Agriculture when the enfranchisement deed is sent to them for confirmation. If any dissent in writing has been expressed, the Board shall withhold their consent to the deed until they have made further inquiries, and are satisfied that the agreement is not fairly open to objection.

(3.) The Board may in every case cause any such further notices to be given and inquiries to be made as they think proper, before consenting to the enfranchisement deed.

17. *Provisions for rent-charges under Act.* Where any part of the consideration for a voluntary enfranchisement under this Act is a rentcharge,—

- (1.) The rentcharge may be—
 - (a) a fixed annual sum, or
 - (b) where it exceeds the sum of twenty shillings, an annual sum varying with the price of corn and calculated upon the same averages and variable in like manner as a tithe commutation rent-charge; and
- (2.) The rentcharge may be made subject to an increase or diminution to be stated in the enfranchisement agreement, or afterwards fixed by valuers in any event which is provided for by the agreement; and
- (3.) The tenant may grant the rentcharge by deed to the lord and his heirs to the uses on the trusts and subject to the powers and provisions subsisting at the date of the enfranchisement with respect to the manor of which the land enfranchised is held; and
- (4.) The rentcharge may be charged on all or any part of the land enfranchised.

18. *Provisions where land is conveyed as consideration under this Act.* Where any part of the consideration for an enfranchisement under this Act is the conveyance of land or of a right to mines or minerals, or of a right to waste, the tenant may convey the land or right to the lord and his heirs to the uses on the trusts and subject to the powers and provisions subsisting at the date of the enfranchisement in respect of the manor of which the land enfranchised is held.

19. Enfranchisement consideration to be a charge on land (ill paid.) (1.) Where a voluntary enfranchisement is effected under this Act, the land enfranchised shall be charged with every sum payable to the lord in respect of the enfranchisement, with interest thereon from the day fixed by the enfranchisement deed for payment thereof until payment thereof.

(2.) The lord shall be deemed to be seised of the land subject to a charge under this section as mortgagee in fee, and may distrain on the land for any interest due in respect of the charge as if it were rent in arrear.

(3.) A charge under this section shall be a first charge on the land subject thereto, and shall have priority over all incumbrances whatsoever affecting the land (except title rentcharge and any charge having priority by statute), notwithstanding that those incumbrances are prior in date.

20. Commencement of enfranchisement. The date at which a voluntary enfranchisement under this Act shall take effect, and the commencement of a rentcharge in consideration of a voluntary enfranchisement under this Act, may be fixed by the memorandum of confirmation of the enfranchisement deed, and if not so fixed shall be the date of the confirmation of the deed by the Board of Agriculture.

PART III.

EFFECT OF ENFRANCHISEMENT.

21. On enfranchisement land to become freehold. (1.) When an enfranchisement is made under this Act the following provisions shall, from and after the time when the enfranchisement takes effect, apply with respect to the land enfranchised:—

- (a.) The land shall be of freehold tenure;
- (b.) The lord shall be entitled, in case of an estate for want of heirs, to the same right as he would have had if the land had not been enfranchised;
- (c.) The land shall not be subject to the custom of borough English, or of gavelkind, or to any other customary mode of descent, or to any custom relating to dower or freebench or tenancy by the curtesy, or to any other custom whatsoever, but shall be subject to the same laws relating to descents, and dower, and curtesy as are applicable to land held in free and common socage;

Provided as follows:—

- (i.) Nothing in this section shall affect the custom of gavelkind in the county of Kent;
- (ii.) Nothing in this section contained with respect to dower, freebench, or curtesy shall apply to any person married before the date at which the enfranchisement takes effect;

(4.) The land shall be held under the same title as that under which it was held at the date at which the enfranchisement takes effect, and shall not be subject to any estate, right, charge, or interest affecting the manor;

(5.) Every mortgage of the copyhold estate in the land shall become a mortgage of the freehold for a corresponding estate, but subject to any charge having priority thereof by virtue of this Act.

(2.) An enfranchisement shall not, except as in this Act mentioned, affect the rights or interests of any person in the land enfranchised under a will, settlement, mortgage, or otherwise, but those rights and interests shall continue to attach upon the land enfranchised in the same way as nearly as may be as if the freehold had been comprised in the instrument or disposition under which that person claims.

(3.) Where land is, at the date at which the enfranchisement thereof under this Act takes effect, subject to any subsisting lease or demise, the freehold into which the copyhold estate is converted shall be the reversion immediately expectant on the lease or demise, and the rents and services reserved and made payable on, and the conditions in, or in respect of, the lease or demise, shall be incident and annexed to the reversion, and the covenants or agreements, expressed or implied, on the part of the lessor and lessee respectively shall run with the land and with the reversion

respectively, and the enfranchisement shall not affect any right of distress, entry, or action accruing in respect of the lease or demise.

22. Exception for rights of common. An enfranchisement under this Act shall not deprive a tenant of any commonable right to which he is entitled in respect of the land enfranchised, but where any such right exists in respect of any land at the date of the enfranchisement thereof it shall continue attached to the land notwithstanding the land has become freehold.

23. Exception for mines and other rights. (1.) An enfranchisement under this Act shall not without the express consent in writing of the lord or tenant respectively affect the estate or right of the lord or tenant in or to any mines, minerals, limestone, lime, clay, stone, gravel, pits, or quarries whether in or under the land enfranchised or not, or any right of entry, right of way and search, or other easement of the lord or tenant in, on, through, over, or under any land, or any powers which in respect of property in the soil might but for the enfranchisement have been exercised for the purpose of enabling the lord or tenant, their or his agents, workmen, or assigns, more effectually to search for, win, and work any mines, minerals, pits, or quarries, or to remove and carry away any minerals, limestone, lime, stones, clay, gravel, or other substances had or gotten therefrom, or the rights, franchises, royalties, or privileges of the lord in respect of any fairs, markets, rights of chase or warren, piscaries, or other rights of hunting, shooting, fishing, fowling, or otherwise taking game, fish, or fowl.

Provided that the owner of the land so enfranchised shall, notwithstanding any reservation of mines or minerals in this Act or in the instrument of enfranchisement, but without prejudice to the rights to any mines or minerals, or the right to work or carry away the same, have full power to disturb or remove the soil so far as is necessary or convenient for the purpose of making roads or drains or erecting buildings or obtaining water on the land.

(2.) A steward shall not, without special authority, have power to consent on behalf of a lord under this section.

24. Power for tenant to grant easements to lord. (1.) On an enfranchisement under this Act there may be reserved or granted, with the consent of the tenant, to the lord any right of way or other easement in the land enfranchised for more effectually winning and carrying away any mines or minerals under the land.

(2.) The easement must be reserved by the award or granted in the deed of enfranchisement.

PART IV.

PROVISIONS AS TO CONSIDERATION MONEY, EXPENSES, RENTCHARGES.

Consideration Money.

25. Power to give receipts. The receipt of any person for any money paid to him in pursuance of this Act shall be a sufficient discharge for the money, and the person paying it shall not be bound to see to the application or be liable for the misapplication or loss thereof.

26. Payment of enfranchisement money. (1.) Money payable under this Act as the compensation or consideration for an enfranchisement may, subject to the other provisions of this Act, be paid to the lord for the time being.

Provided that where any money is payable in pursuance of this section to a lord having only a limited estate or interest in the manor, the Board of Agriculture—

(a.) If the money exceeds the sum of twenty pounds for all the enfranchisements in the manor, shall direct it to be paid into Court or to trustees in manner provided by this Act; and

(b.) If the money does not exceed the sum of twenty pounds for all the enfranchisements in the manor, may direct it either to be paid in manner aforesaid, or to be retained by the lord for his own use, as in their discretion they think fit.

(2.) If a lord refuses to accept any money pay-

able to him under this section the money shall be paid into court or to trustees in manner provided by this Act.

(3.) If any money in respect of the compensation or consideration for an enfranchisement is paid to a lord whose title afterwards proves to be bad or insufficient, the rightful owner of the manor or his representative may recover the amount from the person to whom it was paid, or his representative, with interest at the rate of five pounds per cent. per annum from the time of the title proving to be bad or insufficient.

(4.) If any principal money is paid for enfranchisement to a person who is not entitled to receive it under the provisions of this Act, the land enfranchised shall continue to be charged with the payment of the money in favour of the person entitled:

Provided that the person entitled to the land may recover the money as against the person who wrongfully received it.

(5.) If any dispute arises as to the proper application, appropriation, or investment under this Act of any money payable in respect of an enfranchisement, the Board of Agriculture may decide the question, and their decision shall be final.

Rentcharges.

27. Payment of rentcharges under Act. The following provisions shall apply to every rentcharge created under the provisions of this Act:—

(a.) The rentcharge shall be payable half-yearly on the first day of January and the first day of July in every year:

(b.) The first payment of a rentcharge shall be made on such one of those half-yearly days of payment as next follows the day fixed for the commencement of the rentcharge, or if no such day is fixed, the date of the award or deed of enfranchisement, and shall be of an amount proportional to the interval between the commencement of the rentcharge and the said day of payment;

(c.) The rentcharge shall be a first charge on the land charged therewith, and shall have priority over all incumbrances affecting the land except title rentcharge and any charge having priority by statute, notwithstanding those incumbrances are prior in date:

(d.) The rentcharge shall be deemed to be granted to the lord and his heirs, to the uses, on the trusts, and subject to the powers and provisions subsisting, at the date of the enfranchisement in consideration of which the rentcharge arises, in respect of the manor of which the land subject to the rentcharge was held, and shall be appurtenant and appurtenant to the manor, but not so as to be incapable of being severed therefrom or to be affected by the extinction thereof:

(e.) The rentcharge whenever created shall be recoverable by the like remedies as are provided by section forty-four of the Conveyancing and Law of Property Act, 1881 [44 & 45 Viet. c. 41], in respect of rentcharges created after the commencement of that Act.

Provided that an occupying tenant, who properly pays on account of a rentcharge any money which as between him and his landlord that tenant is not liable to pay, shall be entitled to recover from the landlord the money paid, or to deduct it from the next rent payable by the tenant; and if intermediate landlord who pays or allows any sum under this provision may in like manner recover it from his superior landlord, or deduct it from his rent.

28. Apportionment of rentcharge. The persons to the time being entitled to a rentcharge under this Act, and to the land subject to the rentcharge respectively, whether in possession or in remainder or reversion expectant on an estate for a term of years, may apportion the rentcharge between the several parts of the land charged therewith.

Provided as follows:—

(a.) Where the person entitled to the land is not absolutely entitled thereto, the apportionment shall not be made without the consent of the Board of Agriculture: and

(b.) A person entitled to an undivided share in a rentcharge or land shall not exercise the powers of this section unless the persons entitled to the other undivided shares concur in the apportionment.

29. Protection of lessees from liability to rentcharge.] A sub-lessee under a sub-lease shall not, as between him and his lessor, be liable in consequence of the creation or apportionment of a rentcharge under this Act to pay any greater sum of money than he would have been liable to pay if the charge or apportionment had not been made.

30. Redemption of rentcharge.] (1.) A rentcharge created under this Act may be redeemed on any half-yearly day of payment by the person for the time being in actual possession or in receipt of the rents and profits of the land subject to the rentcharge, on payment to the person for the time being entitled to receive the rentcharge of the consideration provided by this section.

Provided that where the person entitled to the rentcharge is entitled for a limited estate or interest only, the Board of Agriculture—

(a.) if the money exceeds the sum of twenty pounds for all the rentcharges under this Act in the manor, shall direct it to be paid into court or to trustees in manner provided by this Act; and

(b.) in any other case, may direct it either to be paid in manner aforesaid or to be retained by that person for his own use.

(2.) The consideration for the redemption of a rentcharge under this section shall,—

(a.) where the rentcharge is of fixed amount, be twenty-five times the yearly amount of the rentcharge; and

(b.) in any other case, be a sum to be fixed by the Board of Agriculture on the request of the person entitled to redeem the rentcharge.

(3.) The person intending to redeem shall give to the person for the time being entitled to receive the rentcharge six months' previous notice in writing of his intention.

(4.) If on the expiration of the notice the redemption money and all arrears of the rentcharge are not paid, the person for the time being entitled to receive the rentcharge shall have for the recovery of the redemption money and all arrears, if any, of the rentcharge the like powers in respect of the land charged as are given by the Conveyancing and Law of Property Act, 1881 [44 & 45 Vict. c. 41], to a mortgagee in respect of the mortgaged property for the recovery of the mortgage debt and interest in a case where the mortgage is by deed.

(5.) When it appears to the Board of Agriculture that payment or tender of the consideration for the redemption of a rentcharge has been duly made, the Board may certify that the rentcharge has been redeemed and the certificate shall be conclusive.

(6.) The expenses incurred in redeeming a rentcharge under this section shall be dealt with on the same footing as the expenses incurred in redeeming a mortgage.

31. Power to sell rentcharge.] (1.) Where the person for the time being entitled to the receipt of a rentcharge under this Act is entitled thereto for a limited estate or interest only, or is a corporation not authorized to sell the rentcharge except under the provisions of this Act, that person may sell and transfer the rentcharge with the consent of the Board of Agriculture given under their seal.

(2.) When a rentcharge is sold under this section the consideration money for the sale shall be paid into court or to trustees in manner directed by this Act.

Provided that when the consideration does not exceed the sum of twenty pounds for all the rentcharges under this Act in the manor the consideration may be paid, if the Board of Agriculture so direct, to the person for the time being entitled to receive the rentcharge for his own use.

Application of Money to be paid under Act into Court or to Trustees.

32. Payment of money into Court or to trustees.] (1.) Where money is directed by or in pursuance of this Act to be paid into Court it shall be paid

into the High Court in manner provided by rules of Court to an account ex parte the Board of Agriculture.

(2.) Where money is directed by this Act to be paid to trustees it shall be paid—

(a.) if there are any trustees acting under a settlement under which the lord or owner of the manor or rentcharge in respect of which the money arises derives his estate or interest in the manor or rentcharge, then to those trustees or to such one or more of them as the Board of Agriculture direct; and

(b.) in any other case to trustees appointed by the Board of Agriculture.

(3.) Where money may under the provisions of this Act be paid either into Court or to trustees, it may be paid either into Court or to trustees at the option (where the money arises in respect of an enfranchisement) of the lord for the time being, and (where it arises in respect of a rentcharge) of the owner for the time being of the rentcharge.

(4.) (a.) The Board of Agriculture may appoint fit persons to be trustees for the purposes of this Act.

(b.) Where any trustee appointed by the Board of Agriculture dies the Board shall appoint a new trustee in his place.

(c.) Where any trustee appointed by the Board desires to resign, or remains out of the United Kingdom for more than twelve months, or refuses or is unfit to act, or is incapable of acting the Board may if they think fit appoint another trustee in his place.

(d.) An appointment under this section must be by order under the seal of the Board of Agriculture.

33. Investment of money in court or in hands of trustees.] (1.) Where in pursuance of this Act any money in respect of an enfranchisement or the redemption or sale of a rentcharge is paid into Court or to trustees the money shall when paid into Court be applied under the direction of the Court, and when paid to trustees be applied, subject to the consent of the Board of Agriculture, by the trustees, in one, or partly in one and partly in another or others, of the following modes of application or investment; that is to say,

(a.) in the purchase or redemption of the land tax or in or towards the discharge of any incumbrance affecting the manor or the rentcharge or other hereditaments settled with the manor or rentcharge to the same or the like uses or trusts; or

(b.) in the purchase of land; or

(c.) in investment in two and three quarters per centum consolidated stock or in Government or real securities, or in any of the investments in which trustees are for the time being authorized by law to invest; or

(d.) in payment to any person who would, if the enfranchisement or redemption or sale had not taken place, be absolutely entitled to the manor or the rentcharge respectively.

(2.) Land purchased under this section shall be conveyed to the uses, on the trusts, and subject to the powers and provisions which are or would but for the enfranchisement or redemption or sale be subsisting in the manor or rentcharge, as the case may be, or as near thereto as circumstances permit.

(3.) The income of an investment under this section shall be paid to the person who is or would but for the enfranchisement be entitled to the rents and profits of the manor, or would but for the redemption or sale be entitled to the rentcharge, as the case may be.

(4.) An investment or other application of money in Court under this section shall be made on the application of the person who would for the time being be entitled to the income of an investment of the money.

Expenses.

34. Expenses of dealings under Act, how borne.] (1.) The expenses of a compulsory enfranchisement under this Act shall be borne by the person who requires the enfranchisement.

(2.) A sum in respect of the expenses of a compulsory enfranchisement shall not be due or recoverable from any person until it has been certified by order of the Board of Agriculture to have been properly incurred.

(3.) The expenses of a voluntary enfranchisement under this Act shall be borne by the lord and tenant in such proportions as they agree, or in default of agreement as the Board of Agriculture direct.

(4.) All expenses which in the opinion of the Board of Agriculture are incidental to an enfranchisement, whether for proof of title, production of documents, expenses of witnesses, or otherwise, shall, for the purposes of this Act, be expenses of the enfranchisement.

(5.) Where there is any dispute as to the amount of the expenses payable by or to any person under this Act the Board of Agriculture may ascertain the amount and declare it by order, and the order shall be conclusive as to the amount and that it is payable by or to the persons mentioned in that behalf in the order.

(6.) If by reason of dispute as to title it appears to the Board of Agriculture to be uncertain on whom an order to pay expenses should be made, the Board may, if they think fit, grant to the person entitled to receive payment of the expenses a certificate of charge on the manor or land, as the case may be, in respect of which the expenses were incurred.

35. Recovery of expenses.] (1.) When money is declared by this Act to be payable by any person on account of the expenses of proceedings under this Act,—

(a.) it may be recovered as a debt due from the person liable to pay to the person entitled to receive it;

(b.) if the expenses are in respect of a compulsory enfranchisement, and the amount is certified by an order of the Board of Agriculture, it may be recovered in any way provided by this Act for the recovery of the consideration for the enfranchisement;

(c.) if the amount is certified by an order of the Board of Agriculture, and the person liable to pay the amount does not pay it immediately after receiving notice of the order, the person to whom the amount is payable shall be entitled to obtain from a court of summary jurisdiction a warrant of distress against the goods of the person in default;

(d.) if the money is payable by a lord to a tenant, or by the owner of a rentcharge to the owner of the land charged, it may be set off against any money which at the time is recoverable by the lord from the tenant, or by the owner of the rentcharge from the owner of the land charged, as the case may be.

(2.) If a tenant who is a trustee, or is not beneficially interested in the land of which he is tenant, properly pays any expenses of an enfranchisement under this Act, he may, except as against an unadmitted mortgagee, recover the amount paid from the person who is entitled to the land at the date of the enfranchisement.

(3.) If an occupier of land properly pays any expenses of an enfranchisement under this Act he may deduct the amount paid from his next rent.

Charge for Consideration Money and Expenses.

36. Charge for consideration money and expenses of tenant.] (1.) Where an enfranchisement is effected under this Act the tenant may charge the land enfranchised with all money paid by him as the consideration or compensation for the enfranchisement, and with his expenses of the enfranchisement, or with the consent of the lord, with any compensation payable, or with any part thereof respectively.

(2.) Where land is conveyed as the consideration for a voluntary enfranchisement under this Act, and the person conveying the land is absolute owner of the land conveyed, he may charge the land enfranchised with such reasonable sum as the Board of Agriculture consider to be equivalent to the value of the land conveyed and with the expenses of the conveyance.

(3.) Where a lord purchases under this Act a tenant's interest in land he may charge the land purchased, and the manor and any land settled therewith to the same uses, with the purchase money and the expenses of the purchase.

(4.) When a charge may be made under this section, the expenses of the charge may be included in the charge.

(5.) A charge under this section may be for a principal sum and interest thereon not exceeding five per cent. per annum, or may be by way of terminable annuity calculated on the same basis.

(6.) A charge under this section may be by deed by way of mortgage, or by a certificate of charge under this Act.

(7.) A charge under this section shall be a first charge on the manor or land subject to the charge, and shall have priority over all incumbrances whatsoever affecting the manor or land, except title rentcharge and any charge having priority by statute, notwithstanding that those incumbrances are prior in date.

(8.) Any money secured on land may be continued on the security thereof notwithstanding a charge under this section.

37. Charge for lord's expenses.] (1.) Expenses incurred by a lord in proceedings under this Act may—

(a) be paid out of any consideration or compensation money (where it is a gross sum) arising in respect of the proceedings; or

(b) be charged, together with the expenses of the charge, on the manor or on land settled to the same uses as the manor or on any rentcharge arising in respect of the proceedings or in respect of any enfranchisement made under this Act within the manor.

(2.) A charge under this section shall be by deed by way of mortgage, or by a certificate of charge under this Act.

(3.) This section does not apply to the expenses of a purchase by the lord of a tenant's interest under this Act.

38. Charge for consideration money where tenant's title proves bad.] If a tenant or person claiming to be tenant pays any money in respect of the compensation or consideration for an enfranchisement under this Act, and is afterwards evicted from the land enfranchised, he may claim against the land enfranchised the amount of the money or so much of it as is not charged on the land under the other provisions of this Act, and that amount shall be a charge on the land with interest thereon at the rate of four per cent. per annum from the date of the eviction.

39. Charge for money paid by mortgagee.] If a mortgagee pays under this Act any compensation or consideration money or expenses in respect of an enfranchisement or of redemption of a rentcharge on the mortgaged property the amount so paid shall be added to his mortgage, and the mortgaged property shall not be redeemable without payment of that amount and interest thereon.

40. Power to advance money required for purposes of Act.] Any company authorized to make advances for works of agricultural improvement to owners of settled and other estates, may, subject and according to the provisions of its Act of Parliament, charter, deed, or instrument of settlement, make advances to owners of settled and other estates of such sums as may be required for the payment of any compensation or consideration for enfranchisement under this Act, or of any expenses chargeable on a manor or land under this Act or otherwise, and take for their repayment a charge for the same in accordance with those provisions respectively.

41. Certificate of charge.] (1.) A certificate of charge under this Act shall be under the seal of the Board of Agriculture, and shall be countersigned by the person at whose instance the charge is made.

(2.) If the charge is by way of terminable annuity the certificate shall state the amount of the annuity and the term during which it is payable.

(3.) If the charge is for a principal sum and interest the certificate shall state the amount of

the principal sum and the rate of interest, and shall contain a proviso declaring that the certificate shall be void on payment of the principal with any arrears of interest due thereon at a time specified in the certificate or at the expiration of an ascertained notice.

(4.) The manor or land charged by the certificate may be described by reference to the proceedings under this Act in respect of which the charge is made, or otherwise as the Board of Agriculture see fit.

(5.) The certificate and the charge made thereby shall be transferable by endorsement on the certificate.

(6.) A certificate of charge taken by the lord of any manor or by the tenant or owner of any land shall not merge in the freehold or other estate in the manor or land unless the owner of the charge, by endorsement on the certificate or otherwise, declares in writing his intention that the charge shall merge.

(7.) The owner for the time being of a certificate of charge shall have for the recovery of any sum in the nature of interest or periodical payment becoming due under the certificate the like remedies as the owner of a rentcharge under this Act has in respect of his rentcharge, and shall also have, in respect of every sum whether in the nature of interest or periodical payment or principal sum secured by the certificate, the like remedies as a mortgagee in fee simple of freehold land has in respect of the principal sum and interest secured by his mortgage.

(8.) A certificate of charge and a transfer thereof may be in the forms contained in that behalf respectively in the First Schedule to this Act, or in forms to the like effect.

PART V.

ADMINISTRATIVE PROVISIONS.

Notice of Right to enfranchise.

42. Notice of right to enfranchise to be given by steward.] (1.) On the admittance or enrolment of any tenant, the steward of the manor shall, without charge, give to the tenant admitted or enrolled, a notice of his right to obtain enfranchisement.

(2.) The notice shall be in the form contained in that behalf in the First Schedule to this Act, or in a form to the like effect.

(3.) If a steward neglects on any admittance or enrolment to give the notice required by this section, he shall not be entitled to any fee for that admittance or enrolment.

Parties to Proceedings under Act.

43. Limited owners.] Anything by this Act required or authorized to be done by a lord or by a tenant may be done by him notwithstanding that his estate in the manor or land is a limited estate only.

44. Trustees.] (1.) Anything by this Act required or authorized to be done by a lord or by a tenant may be done by him notwithstanding that he is a trustee.

(2.) Where the lords or the tenants are trustees and one or more of the trustees is abroad or is incapable or refuses to act, any proceedings necessary to be done by the trustees for effecting an enfranchisement under this Act may be done by the other trustee or trustees.

45. Representation of infants, lunatics, &c.] When a lord or a tenant or any person interested in an enfranchisement or redemption or sale or otherwise under this Act is an infant or a lunatic, or is abroad or is unknown or not ascertained, anything by this Act required or authorized to be done by or in respect of him shall be done on his behalf, if he is an infant and has a guardian, by his guardian, and if he is a lunatic and there is a committee of his estate, by the committee, and if he is abroad and has an attorney authorized in that behalf, by his attorney, and in every other case by some fit person appointed by the Board of Agriculture to represent him for the purposes of this Act.

46. Married women for purposes of Act to be feme sole.] A married woman being lady of a manor or tenant shall, for the purposes of this Act, be deemed to be a feme sole.

47. Steward in general to represent lord.] (1.) A lord for the purposes of this Act may act either on his own behalf, or by his steward, or may appoint an agent other than his steward to act for him.

(2.) Unless and until a lord has given to a tenant and to the Board of Agriculture notice in writing that he intends to act on his own behalf, or has appointed an agent (to be named in the notice) other than his steward to act for him, the steward shall for the purposes of this Act represent the lord in all matters of procedure, and the tenant and the Board may treat the steward as the agent of the lord for the purpose of giving and receiving notices, and (except where this Act expressly requires a special authority from the lord) of making agreements, and of all other matters relating to enfranchisement.

48. Appointment of agent by power of attorney.]

(1.) A lord or tenant or other person interested in any proceedings under this Act may by power of attorney appoint an agent to act for him in the execution of this Act.

(2.) The power of attorney must be in writing, and must be signed by the person giving it, or, if it is given by a corporation aggregate, be sealed or stamped with the seal of the corporation.

(3.) The power of attorney, or a copy thereof authenticated by the signature of two witnesses, must be sent to the Board of Agriculture.

(4.) The appointment of an agent under this section may be revoked by the person who gave it sending to the Board notice in writing, signed or sealed as the case requires, of the revocation.

(5.) When an agent has been appointed under this section, and the agency is subsisting—

(a) everything which is by this Act directed or authorized to be done by or in relation to the principal, may be done by or in relation to the agent; and

(b) the agent may concur in and execute any agreement or application or document arising out of the execution of this Act; and

(c) every person shall be bound by the acts of the agent acting within his authority, as if they were the acts of the principal.

(6.) A power of attorney under this section may be in the form mentioned in that behalf in the First Schedule to this Act, or in a form to the like effect.

49. Death pending proceedings.] (1.) The proceedings for or in relation to an enfranchisement under this Act shall not abate by the death of the lord or tenant pending the proceedings.

(2.) Where an admittance or enrolment is necessary in consequence of the death, the admittance or enrolment shall be made, but no fine, relief, or heriot shall be payable to the lord in consequence of a death or any admittance or enrolment on a death occurring between the date of a notice to enfranchise or a completed agreement for enfranchisement under this Act, and the enfranchisement in pursuance of that notice or agreement, and the compensation shall be ascertained on the same footing as if the enfranchisement had been effected immediately after the commencement of the proceedings.

50. Succession of rights and liabilities.] All rights conferred and all liabilities imposed by this Act as a lord or on a tenant shall be held to be conferred and imposed respectively on the successors in title of the lord and tenant unless a contrary intention appears.

51. Power to require declaration as to lord's title.] (1.) Before any enfranchisement under this Act the Board of Agriculture may if they think fit require the lord or his steward to make a statutory declaration in such form as the Board direct, stating who are the persons for the time being filling the character of or acting in the capacity of lord, the nature and extent of the estate and interest of the lord in the manor, and the date and short particulars of the deed, will, or other instrument under which he claims or derives the title, and the name and style of the person in whose name the court of the manor was last holden, and the date of the holding of that court, and the incumbrances, if any, affecting the manor, and the Board may accept a declaration made under this section for the purposes of this Act.

(2.) If the lord or his steward does not make a

declaration which he is required to make in pursuance of this section, or if in the opinion of the Board the declaration does not fully and truly disclose all the necessary particulars, or if the lord refuses to give any evidence which the Board think proper and necessary to shew a satisfactory *prima facie* title in the lord, or if the Board think that the incumbrancers should be protected, the Board may, if they think the justice of the case requires it, direct the compensation or consideration where it is a gross sum to be paid into Court or to trustees in manner directed by this Act.

(3.) Where the lord applies to the Board to effect an enfranchisement under this Act, the Board shall, if the tenant of the land proposed to be enfranchised so requires, satisfy themselves of the title of the lord.

Questions arising in Proceedings under Act.

52. Boundaries.] On an enfranchisement under this Act—

(1.) Where the identity of any land cannot be ascertained to the satisfaction of the valuers, if the quantity of the land is mentioned in the court rolls of the manor, and is therein stated to be in statute measure, the land shall be taken to be of that quantity, and in every other case the quantity shall be determined by the valuers:

(2.) Where the land is not defined by a plan on the court rolls the valuers shall, if requested in writing by the lord or the tenant, define the boundaries of the land by a plan:

Provided that a plan shall not be made except by agreement between the lord and tenant where it appears by the court rolls or otherwise that the boundaries of the land have been for more than fifty years last past treated as being intermixed with the boundaries of other lands and as being incapable of definition:

(3.) Where, after the appointment of valuers, there is any doubt or difference of opinion as to the identity of any land, the lord or tenant may apply to the Board of Agriculture to define the boundaries of the land for the purposes of the enfranchisement, and the Board shall ascertain and define the boundaries in such manner as they think proper:

(4.) A plan made under this section and approved by the Board, and a definition of boundaries by the Board under this section, shall be conclusive as between the lord and the tenant.

53. Power for Board to decide questions arising in enfranchisements.] (1.) If any objection is made or question arises in the course of the valuation in a compulsory enfranchisement under this Act in relation to any alleged custom, or the evidence thereof, or any matter of law or fact material to the valuation or arising on the enfranchisement, the lord or tenant may require, in writing, that the question be referred to the Board of Agriculture, and the Board shall inquire into and decide the question, and their decision shall, subject to the appeal provided by this section, be final.

(2.) Either party may appeal to the High Court by way of special case from a decision of the Board on a matter of law, subject to the following provisions, that is to say:—

(a) an application to state a case must be made to the Board within twenty-eight days after the decision appealed from:

(b) the person applying for the case must give to the other party to the inquiry not less than fourteen days' previous notice in writing of the intended application:

(c) the case shall, if the parties differ, be settled by the Board:

(d) the judgment of the court on a special case shall be final and binding on the parties and on the board.

54. Power to call for production of documents and examine witnesses.] (1.) The Board of Agriculture, or a valuer, may, for the purposes of this Act, by summons under the seal of the Board—

(a) call for the production, at such time and place as the Board appoint, of any court rolls or copies of court roll, or any books, deeds, plans, documents or writings relating to any matter before them, in the possession or power of any lord or tenant or steward; and

(b) summon to attend as witness any lord or tenant or other person.

(2.) The Board or a valuer may examine any witness on oath and may administer the oath necessary for that purpose.

(3.) A lord or tenant summoned under this section shall not be bound to answer any question as to his title.

(4.) If any person summoned under this section, to whom a reasonable sum has been paid or tendered for his expenses, without lawful excuse neglects or refuses to attend, or to give evidence, or to produce a document in pursuance of the summons, he shall be liable on summary conviction to a fine not exceeding five pounds.

(5.) If any person wilfully gives false evidence in any proceeding under this Act he shall be guilty of perjury.

(6.) If any person wilfully destroys or alters any document of which the production is required under this section he shall be guilty of a misdemeanour.

55. Expenses of inquiries before Board.] The Board of Agriculture may, if they think fit, order that the expenses of any inquiry by the Board under this Act, including the expenses of witnesses, and of the production of documents, be paid by the parties to the inquiry, and to such person, and in such proportions, as the Board think proper.

56. Power to transfer charges on manor to other land or stock.] (1.) Where, in the course of an enfranchisement under this Act, it is found that a manor or the lord's estate and interest in any land belonging thereto, which may be the subject of enfranchisement, is subject to the payment of a fee-farm rent or to any other charge, the Board of Agriculture may, on the application of the person for the time being bound to make the payment or defray the charge, by order under their seal, direct that the rent or charge shall be a charge on any freehold land specified in the order of adequate value and held under the same title as the manor or land respectively, or on an adequate amount of Government stocks or funds to be transferred into Court by the direction of the Board or into the names of trustees appointed by the Board.

(2.) From and after the sealing of the order the manor and land shall be discharged from the rent or charge, and the rent or charge shall be a charge on the land or the funds specified in that behalf in the order.

(3.) There shall, by virtue of this Act, be attached, so far as the nature of the case will admit, to every charge under this section the like remedies, as against the land or funds made subject thereto, for the recovery of the amount charged as might have been had as against the manor or land in respect of the original charge.

Notices, Instruments, and Forms.

57. Notices.] (1.) A notice required or authorized by this Act to be given to any person must be given in writing and may be given—

(a) by leaving it at his usual or last known place of abode or business in the United Kingdom; or

(b) by sending it by post in a registered letter addressed to him at that place; or

(c) where he is a tenant of any premises, by delivering the notice or a true copy of it to some person on the premises, or if there is no person on the premises to whom it can be delivered with reasonable diligence, by fixing it on some conspicuous part of the premises.

2. Where a notice is required by this Act to be given by the Board of Agriculture or a valuer and no other mode of giving the notice is directed, the notice may be either in the name of the Board or valuer, as the case may be, or on their behalf respectively in the name of any person authorized by the Board to give notices.

58. Stamp duty.] (1.) An agreement, valuation, or power of attorney under this Act shall not be chargeable with stamp duty.

(2.) An enfranchisement award shall be chargeable with the like stamp duty as is chargeable in respect of an enfranchisement deed.

(3.) A certificate of charge under this Act and a transfer thereof shall be chargeable with the like stamp duty as is chargeable in respect of a mortgage and a transfer of a mortgage respectively.

59. Payment of office fees.] The Board of Agriculture may require the payment of all office fees and other expenses of the Board from either lord or tenant requesting the delivery of any award, deed, or order under this Act, before delivering it.

60. Power for Board to correct errors in instruments.]

(1.) The Board of Agriculture may at any time if they think fit, on the application of any person interested in an award or deed of enfranchisement or charge or other instrument made or issued or having effect under the provisions of this Act, correct or supply any error or omission arising from inadvertence in that instrument.

(2.) Before making an alteration under this section the Board shall give such notice as they think proper to the persons affected by the alteration.

(3.) An alteration shall not be made in an instrument relating to a voluntary enfranchisement without the consent in writing of the persons affected by the alteration.

(4.) The expenses of and incidental to an application under this section shall be paid by the persons interested in the application or some of them if and as the Board direct.

61. Execution of enfranchisement instrument to be conclusive of regularity of proceedings.] (1.) The confirmation under the seal of the Board of Agriculture of an award of enfranchisement, and the execution by the Board of a deed of enfranchisement respectively, shall be conclusive evidence of compliance with all the requirements of this Act with respect to proceedings to be taken before the confirmation or execution.

(2.) An award or deed of enfranchisement shall not be impeached by reason of any omission, mistake, or informality therein or in any proceeding relating thereto, or of any want of any notice or consent required by this Act, or of any defect or omission in any previous proceedings in the matter of the enfranchisement.

62. Inspection of court rolls after enfranchisement.]

(1.) Any person interested in any land enfranchised under this Act may at any time inspect and obtain copies of the court rolls of the manor of which the land was held on payment of a reasonable sum for the inspection or copies.

(2.) The Board of Agriculture may, if they think fit, fix a scale of fees to be paid to the steward or person having custody of the court rolls for the inspection and for making extracts or copies.

63. Evidence from instruments under repealed Acts.]

(1.) Any person interested in any land included in any enfranchisement or commutation made by appointment under the Copyhold Act, 1841 [4 & 5 Vict. c. 35], may inspect and obtain copies of or extracts from any instrument relating to the enfranchisement or commutation deposited with a clerk of the peace or steward of a manor under that Act.

(2.) A person requiring under this section inspection of or a copy of or extract from any instrument shall give reasonable notice to the person having the custody of the instrument, and shall pay to him for every inspection a fee of two shillings and sixpence and for every copy and extract a fee at the rate of twopence for every seventy-two words in the copy or extract.

(3.) Every recital or statement in, or agreement, schedule, map, plan, document, or writing referred to a confirmed appointment made under the said Act shall be sufficient evidence of the matters recited or stated, and of the accuracy of the map or plan respectively.

64. Custody of court rolls after enfranchisement.]

(1.) When all the lands held of a manor have been enfranchised, the lord, or with the consent of the lord, any person having custody of the court rolls and records of the manor may hand over all or any of the court rolls and records to the Board of Agriculture or to the Master of the Rolls.

(2.) Where any court rolls or other records are in the custody of the Board of Agriculture, the Board may hand over all or any of them to the Master of the Rolls.

(3.) Any person interested in any enfranchised land may inspect and obtain copies of and extracts from any court rolls or records in the custody of the Board, or of the Master of the Rolls, relating to the manor of which that land was held or was parcel, on payment of such reasonable fees

as are fixed from time to time by the Board or the Master of the Rolls respectively.

(4.) The Master of the Rolls may undertake the custody of court rolls and records handed over to him under this section, and may make rules respecting the manner in which and the time at which inspection may be made and copies and extracts may be obtained of and from the court rolls and records in his custody, and as to the amount and mode of payment of the fees for the inspection, copies, and extracts respectively.

(5.) Every rule made under this section shall be laid, as soon as may be, before both Houses of Parliament.

65. *Board to frame and circulate forms.* The Board of Agriculture shall frame and cause to be printed forms of notices and agreements and such other instruments as in their judgment will further the purposes of this Act, and shall supply any such form to any person who requires it, or to whom the Board think fit to send it, for the use of any lord or tenant desirous of putting this Act into execution.

66. *Board to publish a scale of compensation.* (1.) The Board of Agriculture shall frame, and cause to be printed and published—

(a) such a scale of compensation for the enfranchisement of land from the several rights and incidents, including heriots, specified or referred to in this Act, as in their judgment will be fair and just and will facilitate enfranchisement, together with such directions for the lord, tenant, and valuers as the Board think necessary; and

(b) a scale of allowance to valuers for their services in the execution of this Act.

(2.) The Board may vary any such scale.

(3.) The scales published by the Board under this section shall be for guidance only, and shall not be binding as a matter of law in any particular case.

(4.) The person requiring an enfranchisement shall state to the other party to the enfranchisement whether he is or is not willing to adopt the scale of compensation published by the Board.

Legal Proceedings.

67. *Proceedings under Act not to be quashed for want of form nor removed by certiorari.* An order or proceeding under this Act by, or before, or under the authority of the Board of Agriculture, or a conviction under this Act, shall not be quashed for want of form, and shall not be removed by certiorari or otherwise into the High Court or any other court.

PART VI.

APPLICATION OF ACT TO SPECIAL MANORS.

68. *Proceedings for determining compensation in certain enfranchisements of Crown lands.* (1.) Where a manor is vested in Her Majesty in right of the Crown or of the Duchy of Lancaster, either in possession or in remainder expectant on an estate less than an estate of inheritance, and either solely or in coparcenary with a subject, and the Commissioners of Woods or the Chancellor and Council of the Duchy of Lancaster in exercise of the powers vested in them enter into negotiations for the enfranchisement of any land held of the manor, and cannot agree with the tenant as to the amount of the consideration money to be paid by him for the enfranchisement to the Commissioners or to the Receiver-General of the Duchy of Lancaster as the case may be, the Commissioners or the Chancellor and Council, as the case may be, may, if they think fit, on the request of the tenant, and on an agreement for the enfranchisement being entered into by them and the tenant respectively, refer it to the Board of Agriculture to appoint a surveyor to determine the said amount.

(2.) The Board of Agriculture shall on a reference being made under this section appoint a practical land surveyor for the purposes of the reference, and his award shall be final.

(3.) The expenses of and incidental to a reference under this section shall be treated as expenses on a compulsory enfranchisement at the instance of the tenant.

69. *Voluntary enfranchisement under Act in certain Crown manors.* (1.) Where a manor is vested in Her Majesty in right of the Crown in remainder or reversion expectant on an estate of inheritance, the

manor and any land held of the manor may, with the consent in writing of the Commissioners of Woods or one of them, be dealt with under the provisions of this Act with respect to a voluntary enfranchisement, subject to the provisions of this section.

(2.) Where the consideration for an enfranchisement under this section is a gross sum it shall either be paid to two trustees to be appointed for the purpose, one by the Commissioners of Woods or one of them, and one by the person for the time being entitled to the rents and profits of the manor, or be paid into Court to the account of ex parte Her Majesty the Queen and the person so entitled as aforesaid.

(3.) Money paid to trustees or into Court under this section shall be applied,—

(a) in the purchase or redemption of the land tax affecting the manor or any other land settled to the like uses as the manor; or

(b) in the purchase of land in fee simple convenient to be held with the manor; or

(c) in investment on Government or real securities or in any of the investments in which trustees are for the time being authorized by law to invest.

(4.) The income of an investment under this section shall be paid to the person for the time being entitled to the rents and profits of the manor.

(5.) Where land is purchased with any consideration money under this section, or where the consideration consists of a rentcharge, the land or rentcharge shall be conveyed to the uses on the trusts and subject to the powers and provisions then affecting the manor or as near thereto as circumstances permit.

(6.) On the payment of the consideration where it is a gross sum of money, or on or before the execution of the conveyance of the rentcharge, where the consideration is a rentcharge, the Commissioners of Woods or one of them may join with the person for the time being entitled to the rents and profits of the manor in executing a deed of enfranchisement.

(7.) The deed shall state in what manner the enfranchisement money, if any, has been applied.

(8.) The deed shall on the enrolment thereof being made in manner provided by this Act, vest in the tenant all the estate, right, and interest of Her Majesty in right of the Crown and of all other persons interested under the settlement of the manor in the land enfranchised, either absolutely or subject to the reservations, if any, contained in the deed.

(9.) A trustee appointed under this section by the Commissioners of Woods or one of them shall be indemnified by the Commissioners out of the rents and profits of the possessions and land revenues of the Crown from all costs and expenses, if any, which he incurs in the execution of the trust, and of which he does not obtain repayment out of the trust moneys.

70. *Enfranchisement in manors held in joint tenancy with the Crown.* A manor vested in Her Majesty in right of the Crown in possession, remainder, or reversion, in joint tenancy or coparcenary with a subject may, so far as regards the rights and interests of the subject and of the tenant, be dealt with under this Act, and the provisions of this Act relating to enfranchisements in manors vested in Her Majesty in right of the Crown in remainder or reversion expectant on an estate of inheritance shall apply so far as regards the share or interest of Her Majesty.

71. *Enrolment of instruments on enfranchisements in Crown manors.* (1.) The Keeper of Land Revenue Records and Enrolments shall, for the purpose of preserving a record of enfranchisements under this Act of land held of manors vested in Her Majesty, provide a book in which shall be entered a memorial of every deed of enfranchisement of any such land, and of every grant of a rentcharge on the enfranchisement, and of every conveyance of land purchased with the enfranchisement money.

(2.) The memorial, where it is of a conveyance of land, shall be accompanied by a plan of the land.

(3.) The memorial of any instrument under this section shall be signed by one of the parties to the instrument.

(4.) An instrument of which a memorial is re-

quired to be enrolled under this section shall not take effect until there has been written thereon a certificate signed by the Keeper of Land Revenue Records and Enrolments, or by any person acting as his deputy or assistant, that a memorial thereof has been lodged at the office of Land Revenue Records and Enrolments.

(5.) A certificate purporting to be signed by the Keeper of Land Revenue Records and Enrolments, or by any person acting as his deputy or assistant, shall be admissible as evidence of the facts stated therein.

(6.) A copy of the enrolment of the memorial purporting to be signed and certified to be a true copy by the Keeper of Land Revenue Records and Enrolments, or by any person acting as his deputy or assistant, shall be admissible as evidence of the deed or instrument or facts referred to in the memorial.

(7.) The Treasury may direct what reasonable fees shall be paid in respect of an enrolment under this section, and fees paid for an enrolment shall be deemed to be expenses of the enfranchisement or purchase, as the case may be, in respect of which the enrolment is made.

72. *Consent of ecclesiastical corporations, &c., required to dealings with manors in which they are interested.*

(1.) An agreement for an enfranchisement shall not be valid—

(a) where the manor or land to be affected by the enfranchisement is held under an ecclesiastical or other corporation; or

(b) where any such corporation or the patron of a living is interested in the manor or land to the extent of one-third of the value thereof; or

(c) where in the opinion of the Board of Agriculture any such corporation would be affected by the enfranchisement, unless the agreement is made with the consent in writing of that corporation or person.

(2.) A consent under this section must, in the case of a corporation aggregate, be under the seal of the corporation, and in other cases be signed by the person giving it, and must in every case be annexed to the agreement to which it relates.

73. *Notice to Ecclesiastical Commissioners in certain cases.* Where land proposed to be enfranchised under the provisions of this Act with respect to compulsory enfranchisement is held of a manor belonging either in possession or reversion to an ecclesiastical corporation, the Ecclesiastical Commissioners shall have notice of the proceedings, and shall have the like power of expressing assent to or dissent from the proceedings as is provided by this Act with respect to a person entitled in reversion or remainder, and the provisions of this Act with respect to the notice, and the proceedings thereon, shall apply accordingly.

74. *Enfranchisement money for use of spiritual person may be paid to Queen Anne's Bounty.* (1.) Any compensation or consideration money to be paid under this Act for the use of any spiritual person in respect of his benefice or cure may at the option of the lord be paid to Queen Anne's Bounty, and the receipt of the treasurer shall be a sufficient discharge.

(2.) Money paid under this section shall be applied by the Bounty as money in their hands appropriated for the augmentation of the benefice or cure, as the case may be.

75. *Application of enfranchisement money where enfranchisement might have been under 14 & 15 Vict. c. 104.* Where on an enfranchisement under this Act it appears to the Board of Agriculture that the enfranchisement might have been effected under the Episcopal and Capitular Estates Act, 1851, or any Act amending the same—

(a) the consideration for the enfranchisement shall be paid and applied in like manner as if an enfranchisement had been effected under the said Episcopal and Capitular Estates Act and the Acts amending the same; and

(b) the Church Estates Commissioners and Ecclesiastical Commissioners respectively shall have the same powers over the consideration money and the interest thereon, and over any land, rentcharges, or securities acquired in respect of the enfranchisement,

and over or against any ecclesiastical corporation interested therein respectively, as they would have had if the enfranchisement had been effected with the consent of the Church Estates Commissioners under the said Acts:

Provided that where an ecclesiastical corporation or the Ecclesiastical Commissioners have only a reversionary interest in the manorial rights extinguished by the enfranchisement, the consideration, if it is a gross sum, shall be paid into Court or to trustees, and applied under this Act accordingly until the time when the reversionary interest would if it were not extinguished, have come into possession, and the consideration money and the investments thereof shall then be paid or transferred to the Church Estates Commissioners as persons absolutely entitled thereto.

76. *Enfranchisement money may be paid to official trustees of charitable funds on behalf of charity.* (1.) Where a corporation, or any person, lord of a manor held on a charitable trust within the provisions of the Charitable Trusts Act, 1853 to 1891, is not authorized to make an absolute sale otherwise than under those Acts, or this Act, the compensation or consideration payable to the lord for an enfranchisement or for the redemption or sale of a rentcharge under this Act may at the option of the lord be paid to the Official Trustees of Charitable Funds in trust for the charity.

(2.) Any principal money paid to the Official Trustees under this section shall be applied by them under the order of the Charity Commissioners for the like purposes as if it had been paid into Court under this Act, and in the meantime the money shall be invested, and the income of the investments applied, under the provisions of the said Charitable Trusts Act with respect to charitable funds paid to the Official Trustees.

77. *Enfranchisement money for use of corporation may be paid to trustees.* Any compensation or consideration money to be paid under this Act to the use of a corporation, lord of a manor other than a manor held for charitable purposes within the meaning of the Charitable Trusts Act, 1853 [16 & 17 Vict. c. 137], and the Charitable Trusts Amendment Act, 1855 [18 & 19 Vict. c. 124], may at the option of the lord be paid to trustees appointed by the Board of Agriculture for the purposes of this Act.

78. *Provision for case of joint lords of manors belonging to universities and colleges.* Where any manor belonging to any of the Universities of Oxford, Cambridge, and Durham, or any college therein, or to either of the colleges of St. Mary at Winchester, near Winchester, or King Henry the Sixth at Eton, is held by any person on a lease for a life or lives, or for a term of years granted by any such university or college, that university or college and lessee shall jointly constitute the lord of the manor within the meaning of this Act, and any rentcharge created under this Act on the enfranchisement of land held of that manor shall be in favour of, and the compensation for the enfranchisement may be paid to, the person who at the date of the enfranchisement is entitled in possession to the profits of the manor, his executors and administrators, but without prejudice to any question as to the further disposal of any money paid in respect of the rentcharge or other compensation respectively. Provided that on the determination of such lease as aforesaid any money so paid or any securities in which the same may have been invested shall be paid or applied as enfranchisement money is directed to be paid and applied by section one of the Universities and College Estates Act, 1858 [21 & 22 Vict. c. 44].

79. *Provisions where derivative interests are entered on rolls.* The following provisions shall apply to every manor in which the fines are certain, and in which it is the practice for copyholders in fee to grant derivative interests to persons who are admitted as copyholders of the manor in respect of those interests:—

(1.) In the application of this Act to any such manor the tenant shall be the person who is admitted or enrolled in respect of the inheritance, and that person is in this section called the tenant-in-fee.

(2.) The enfranchisement of land to a tenant-in-

fee shall enure for the benefit of every person having any customary estate or interest in the land at the date of the enfranchisement, and every such person shall become entitled to an estate or interest in the land corresponding with his customary estate or interest.

(3.) All rent-charges payable in respect of the enfranchisement, and all sums of money payable by a tenant-in-fee for compensation or the expenses of enfranchisement, and the interest thereon, shall, if the parties do not otherwise agree, be borne and paid by the several persons for whose benefit the enfranchisement enures in proportion to their respective interests in the enfranchised land.

(4.) If a dispute arises respecting the apportionment of any such charge or payment, the Board of Agriculture may, on the application of any person interested, after due inquiry make an order apportioning the same.

(5.)—

(a.) On the request of the lord, or of one fourth in number of the copyholders for the time being on the court roll of the manor, and on such provision being made for expenses as the Board require, the Board may make a local inquiry for the purpose of ascertaining whether the copyholders of the manor desire that an enfranchisement be effected throughout the manor:

(b.) If the Board find that not less than two thirds in number of the copyholders desire the enfranchisement, they shall make an order declaring that enfranchisement of all copyhold tenements of the manor shall take place, and they shall thereupon proceed to ascertain the compensation payable to the lord on the enfranchisement of each tenement held by a tenant-in-fee, and to effect the enfranchisement of that tenement accordingly. The compensation in every case shall consist of a gross sum of money, unless the lord and tenant-in-fee otherwise agree:

(c.) When an order declaring enfranchisement as aforesaid has been made—

(i.) all the tenants-in-fee shall contribute rateably to the expenses of the inquiry according to the amount of compensation payable by them respectively;

(ii.) the tenant-in-fee and all copyholders holding derivative interests in the same tenement shall contribute rateably, according to the value of their respective interests, to the compensation, and to all expenses attending the enfranchisement payable by the tenants, including the contribution of the tenant-in-fee to the expenses of the inquiry;

(iii.) the Board may apportion the contributions between the several tenants-in-fee, and also between the several tenants of each tenement, and may make orders for the payment of the contributions and expenses by the persons from whom they are due;

(iv.) the Board shall not without the consent of the tenant-in-fee make an award for the enfranchisement of any tenement, until they have apportioned the contributions between the tenant-in-fee and the tenants holding derivative interests in the tenement, and have made orders for payment of, or have satisfied themselves that the tenant-in-fee has full security for, the amounts which the tenants of derivative interests are to contribute:

(6.) Every order of apportionment made by the Board shall be binding on all persons interested in the apportionment, and the expenses of and incident to the apportionment shall be paid by those persons, or any of them, as the Board direct.

80. *Application of Act to part of manor.* (1.) The Board of Agriculture may by order under their seal direct that a part of a manor specified in the order shall be considered as a manor for the purpose of effecting an enfranchisement under this Act, and all the provisions of this Act shall apply accordingly.

(2.) An order shall not be made under this section for the purposes of a voluntary enfranchisement without the consent of the lord in writing under his hand and seal.

PART VII.

GENERAL LAW OF COPYHOLDS.

81. *Restraint on creation of new copyholds.* (1.) It shall not be lawful for the lord of any manor to make grants of land not previously of copyhold tenure to any person to hold by copy of court roll, or by any customary tenure, without the previous consent of the Board of Agriculture.

(2.) The Board of Agriculture in giving or withholding their consent to a grant under this section shall have regard to the same considerations as are to be taken into account by them in giving or withholding their consent to an inclosure of common lands.

(3.) When a grant has been lawfully made under this section the land therein comprised shall cease to be of copyhold tenure, and shall be vested in the grantee thereof to hold for the interest granted as in free and common socage.

82. *Power to hold customary court though no copyholder present.* (1.) A customary court may be held for a manor—

(a.) although there is no copyhold tenant of the manor; and

(b.) although there is no copyhold tenant or only one copyhold tenant present at the court; and

(c.) either by the lord or steward or deputy steward.

(2.) A court held under the authority of this section shall be a good and sufficient customary court for all purposes:

Provided as follows:—

(a.) A proclamation made at the court shall not affect the right or interest of any person not present at the court unless notice of the proclamation is duly served on him within one month after the holding of the court; and

(b.) This section shall not apply to a court held for the purpose of receiving the consent of the homage to a grant of common or waste land to hold by copy of court roll.

83. *Power to make grants out of manor and out of court.* Where a lord may grant land to hold by copy of court roll or by any customary tenure the grant may be made—

(a.) out of the manor; and

(b.) without holding a court; and

(c.) either by the lord or steward or deputy steward:

Provided that where by the custom of a manor the lord is authorized with the consent of the homage to grant any common or waste lands to hold by copy of court roll, this section shall not authorize the lord to make the grant without the consent of the homage assembled at a customary court.

84. *Manner of making admittance.* (1.) A valid admittance to land of copyhold or customary tenure may be made—

(a.) out of the manor; and

(b.) without holding a court; and

(c.) without a presentment by the homage of the surrender, instrument, or fact in pursuance of which the admittance is made; and

(d.) either by the lord or steward or deputy steward.

(2.) Any person entitled to admittance may be admitted by his attorney duly appointed whether orally or in writing.

85. *Surrenders, &c., out of Court to be entered on court rolls.* (1.) Every surrender and deed of surrender which a lord is compellable to accept or accept, and every will a copy of which is delivered to him either at a court at which there is not a homage assembled or out of court, and every grant or admittance made in pursuance of this Act, shall be entered on the court rolls.

(2.) An entry made in pursuance of this section shall be as valid for all purposes as an entry made in pursuance of a presentment by the homage.

(3.) The steward shall be entitled to the same fees and charges for an entry under this section as

for an entry made in pursuance of a presentment by the homage.

86. Power to alienate ancient tenements in portions with licence of lord.] (1.) A lord may, notwithstanding any custom to the contrary, grant a licence to a tenant to alienate his ancient tenement or any part thereof by devise, sale, exchange, or mortgage, and either together or in parcels.

(2.) On the alienation under this section of a part of a tenement, or of a tenement in parcels, the lord may apportion the yearly customary rent payable for the whole tenement.

(3.) A parcel alienated under this section shall be subject to its apportioned part of the customary rent, and shall be held of the lord of the manor in all respects and be conveyed in like manner as the original tenement.

(4.) A licence under this section must be in writing and must be entered on the court rolls.

(5.) A steward may give a licence under this section if authorized in writing by the lord, but not otherwise.

87. Partition of copyhold land.] In an action for the partition of land of copyhold or customary tenure the like order may be made as may be made with respect to land of freehold tenure.

88. Descent of trust and mortgage estates in copyholds.] Section thirty of the Conveyancing and Law of Property Act, 1881, shall not apply to land of copyhold or customary tenure vested in the tenant on the court rolls on trust or by way of mortgage.

89. Receipt for consideration where under £500 for enfranchisement not under Act.] (1.) Where an agreement for enfranchisement is made independently of this Act, and the consideration for the enfranchisement is a gross sum and does not exceed five hundred pounds, the lord may make a statutory declaration stating the particulars of his estate and interest in the manor.

(2.) If the declaration shews that the lord is entitled to make the enfranchisement, and to receive the consideration money for his own use, an enfranchisement by the lord shall be valid, and the lord's receipt for the consideration money shall effectually discharge the person paying it from being bound to see to the application or being answerable for any loss or misapplication thereof.

(3.) Where a lord receives as the consideration for an enfranchisement within this section any money to which he is not in fact entitled for his own use, he shall be deemed to have received the money as trustee for the persons who are entitled thereto.

PART VIII.

AUTHORITY FOR EXECUTION OF ACT.

90. Board of Agriculturists to make annual report.] The Board of Agriculturists shall in every year make a general report of their proceedings in the execution of this Act, and the report shall be laid before both Houses of Parliament as soon as may be after it is made.

91. Delegation of powers of Board.] The Board of Agriculturists may delegate to any officer of the Board any of their powers under this Act except the power to confirm agreements or awards, or to frame forms, or to do any act required by this Act to be done under the seal of the Board.

(2.) The powers so delegated shall be exercised under such regulations as the Board direct.

(3.) The Board may recall or alter any power delegated under this section, and may, notwithstanding the delegation, act as if no delegation had been made.

(4.) All acts done by an officer of the Board lawfully authorized in pursuance of this section shall be obeyed by all persons as if they proceeded from the Board, and the non-observance thereof shall be punishable in like manner.

92. Power of entry for purposes of Act.] (1.) A member or officer of the Board of Agriculturists and a valuer or umpire appointed under this Act, and their agents and servants respectively, may enter on any land proposed to be dealt with under this Act, and may make all necessary measurements, plans, and valuations of the land.

(2.) A person before entering on land under this section must give reasonable notice of his intention to the occupier of the land.

(3.) If a person does any injury in the execution of the powers of this section he shall make compensation therefor.

93. Penalty for obstructing persons administering Act.] If any person obstructs or hinders a member or officer of the Board of Agriculturists or a valuer or umpire acting under the powers of this Act, he shall be liable on summary conviction to a fine not exceeding five pounds.

PART IX.

DEFINITIONS, SAVINGS, AND REPEAL.

94. Interpretation.] In this Act unless the context otherwise requires—

The expressions "admittance" and "enrolment" include every licence of any assurance, and every ceremony, act, and assent whereby the tenancy or holding of a tenant is perfected, and the expressions "admit" and "enrol" have corresponding meanings:

The expression "ecclesiastical corporation" means an ecclesiastical corporation within the meaning of the Episcopal and Capitular Estates Act, 1851, and the Acts amending the same;

The expression "enfranchisement" includes the discharge of freehold land from heriots and other manorial rights:

The expression "heriot" includes a money payment in lieu of a heriot:

The expression "land" includes an undivided share in land:

The expression "lord" means a lord of a manor whether seised for life or in tail or in fee simple and whether having power to sell the manor or not, or the person for the time being filling the character of or acting as lord whether lawfully entitled or not, and includes all ecclesiastical lords seised in right of the church or otherwise, and lords farmers holding under them, and bodies corporate or collegiate:

The expression "manor" includes a reputed manor:

The expression "rent" includes reliefs and services (not being services at the lord's court), and every payment or render in money, produce, kind, or labour due or payable in respect of any land held of or parcel of a manor:

The expression "steward" includes a deputy steward and a clerk of a manor and any person for the time being filling the character of or acting as steward whether lawfully entitled or not:

The expression "tenant"—

(a) includes all persons holding by copy of court roll or as customary tenants or holding land subject to any manorial right or incident, and whether the land is held to them and their heirs or to two or more in succession or for life or lives or years, and whether the land is held of a manor or not; and

(b) includes a surrenderee by way of mortgage under a surrender entered on the court rolls in possession or in receipt of the rents and profits of the land; and

(c) where land is held in undivided shares means the person for the time being in receipt of at least two-thirds of the value of the rents and profits of the land.

The expression "valuer" includes an umpire.

95. General savings.] Nothing in this Act—

(a) shall affect the custom of gavelkind in the county of Kent; or

(b) shall authorize a lord to enclose any common or waste land; or

(c) shall revive any right to fines or other manorial claims which are at any time barred by any statute of limitations; or

(d) shall interfere with any enfranchisement which may be made independently of this Act; or

(e) shall interfere with the exercise of any powers contained in any other Act of Parliament; or

(f) shall, except as in this Act expressly provided, apply to manors or land vested in Her Majesty in right of the Crown or of the Duchy of Lancaster; or

(g) shall extend to or prejudice the estate, right, title, privilege, or authority of Her Majesty in right of the Duchy of Cornwall, or the possessions thereof, or of the Duke of Cornwall for the time being; or

(h) shall extend to manors belonging either in possession or reversion to any ecclesiastical corporation or to the Ecclesiastical Commissioners where the tenant has not a right of renewal.

96. Savings as to compulsory enfranchisement.] The provisions of this Act with respect to a compulsory enfranchisement shall not apply—

(a) to any copyhold land held for a life or lives or for years where the tenant has not a right of renewal; nor

(b) to manors in which Her Majesty has any estate or interest in possession, reversion, or remainder.

97. Saving as to land registry.] Nothing in this Act shall affect any right acquired in pursuance of registration under the Land Registry Act, 1862 [25 & 26 Vict. c. 53], or the Land Transfer Act, 1875 [38 & 39 Vict. c. 87], except to such extent as may be recorded by registration in pursuance of those Acts.

98. Application of Act to Crown.] (1.) The provisions of this Act relating to—

(a) the grant of easements to a lord of a manor for mining purposes;

(b) the holding of customary courts although a copyhold tenant is not present;

(c) the making of grants or admittances out of the manor and out of court;

(d) the making of admittances without a presentment by the homage;

(e) the entry of surrenders and wills on the court rolls; and

(f) the partition of lands of copyhold or customary tenure,

shall extend to manors and lands vested in Her Majesty in right of the Crown or of the Duchy of Lancaster.

(2.) The said provision relating to the grant of easements shall extend to an enfranchisement of land held of a manor vested in Her Majesty effected under the provisions of any existing Act of Parliament.

99. Extent of Act.] This Act shall not extend to Scotland or Ireland.

100. Repeal.] The enactments described in the Third Schedule to this Act are hereby repealed to the extent appearing in the third column of the said schedule.

Provided that all awards, deeds, orders, certificates, scales, instruments, charges, and rent-charges made, executed, granted, created, or having effect under any enactment repealed by this Act shall have effect as if this Act had not passed.

101. Short title.] This Act may be cited as the Copyhold Act, 1894.

SCHEDULES.

FIRST SCHEDULE.

FORMS.

1. DECLARATION TO BE MADE BY VALUERS AND UMPIRES [Section 5].

I, A.B., declare that I will faithfully, to the best of my ability, value, hear, and determine the matters referred to me under the Copyhold Act, 1894.

A.B.
Made and subscribed in the presence of
this day of 189 .

2. CERTIFICATE OF CHARGE [Section 41].

The Board of Agriculturists hereby certify that the land mentioned in the schedule to this certificate is charged with the payment to A.B., his executors, administrators, or assigns, [or to the lord of the manor of for the time being] of the following series of periodical payments; that is to say, the sum of pounds payable on the day of the further sum of pounds payable on the day of &c. [or with the principal sum of pounds with interest thereon after the rate of per cent. per annum, the principal to be repayable in manner following, that

is to say [state the terms]; and the Board further certify that after payment of the series of periodical payments above mentioned [or after payment of the principal money hereby charged and all arrears of interest due thereon] this certificate shall be void. In witness whereof the Board of Agriculture have hereunto set their official seal this day of 189 .

The Schedule.

E.F.
G.H.

3. TRANSFER OF CERTIFICATE OF CHARGE [Section 41].

I, A.B., of hereby transfer the within certificate of charge to C.D., of
Dated this day of 189 .
A.B.

4. NOTICE OF RIGHT TO ENFRANCHISE [Section 42].

Take notice that if you desire that the copyhold land which you hold of this manor of shall become freehold you are entitled to enfranchise the same on paying the lord's compensation and the steward's fees. The lord's compensation may be fixed either by agreement between the lord and you, or by a valuer appointed by the lord and you, or through the agency of the Board of Agriculture, to whom you may make application, if you think fit, to effect the enfranchisement.

5. POWER OF ATTORNEY [Section 48].

Manor of in the county of
I, A.B., of hereby appoint C.D., of
to be my lawful attorney to act for me in all respects as if I myself were present and acting in the execution of the Copyhold Act, 1894.
Dated this day of 189 .
(Signed) A.B.

SECOND SCHEDULE.

SCALE OF STEWARD'S COMPENSATION [Section 9].

When the consideration for the enfranchisement—

	£	s.	d.
Does not exceed £1 -	-	-	0 5 0
Exceeds £1 but does not exceed £5 -	0	10	0
" £5 "	£10	-	0 0
" £10 "	£15	-	0 0
" £15 "	£20	-	0 0
" £20 "	£25	-	0 0
" £25 "	£30	-	0 0
" £30 "	£40	-	0 0
" £40 "	£50	-	0 0
For every additional £50, or fractional part of £50, over and above the first £100 -	-	-	0 10 0

The compensation to be exclusive of stamps and paper or parchment or map or plan, which are to be paid for by the tenant.

THIRD SCHEDULE.

ENACTMENTS REPEALED [Section 100].

Session and Chapter.	Short Title.	Extent of Repeal.
4 & 5 Vict. c. 35	The Copyhold Act, 1841	The whole Act
6 & 7 Vict. c. 23	The Copyhold Act, 1843	The whole Act
7 & 8 Vict. c. 55	The Copyhold Act, 1844	The whole Act
15 & 16 Vict. c. 51	The Copyhold Act, 1852	The whole Act
21 & 22 Vict. c. 94	The Copyhold Act, 1858	The whole Act
23 & 24 Vict. c. 59	The Universities and College Estates Act Extension Act, 1860	Section four
50 & 51 Vict. c. 73	The Copyhold Act, 1887	The whole Act

CHAPTER 47.

[Building Societies Act, 1894.]

An Act to amend the Building Societies Acts.
[25th August 1894.]

Be it enacted, &c. :

1. *Matters to be set forth in rules.* The rules of every society under the Building Societies Acts established or substituting a new set of rules for its existing rules after the passing of this Act shall set forth—

- the manner in which the stock or funds of the society is or are to be raised;
- the terms upon which unadvanced subscription shares are to be issued; the manner in which the contributions are to be paid to the society, and withdrawn by the members, with tables, where applicable in the opinion of the registrar, shewing the amount due by the society for principal and interest separately;
- the terms upon which paid-up shares, if any, are to be issued and withdrawn, with tables, where applicable in the opinion of the registrar, shewing the amount due by the society for principal and interest separately;
- whether preferential shares are to be issued, and, if so, within what limits;
- the manner in which advances are to be made and repaid; the deductions, if any, for premiums, and the conditions upon which a borrower can redeem the amount due from him before the expiration of the period for which the advance was made, with tables, where applicable in the opinion of the registrar, shewing the amount due from the borrower after each stipulated payment;
- the manner in which losses are to be ascertained and provided for;
- the manner in which membership is to cease; and
- whether the society intends to borrow money, and, if so, within what limits not exceeding those prescribed by the Building Societies Acts.

2. *Annual account and statement.* (1.) Every annual account and statement under section forty of the Building Societies Act, 1874 [37 & 38 Vict. c. 42], shall be made up to the end of the official year of the society to which it relates, and shall be in such form and shall contain such particulars as the Chief Registrar of Friendly Societies may from time to time, with the approval of a Secretary of State, direct, either generally or with respect to any society or class of societies. The form of annual account and statement prescribed for general use by the Chief Registrar under this section, and every alteration of that form, shall as soon as practicable be laid before each House of Parliament, and shall not come into operation until the expiration of forty days from the date at which it is so laid. Provided that every such account and statement shall set forth—

- With respect to mortgages to the society upon each of which the present debt does not exceed five thousand pounds (not being mortgages where the repayments are upwards of twelve months in arrear, or where the property has for upwards of twelve months been in possession of the society), the number of all such mortgages, and the aggregate amount owing thereon at the date of the account or statement, such information being given separately in respect of each of the four following classes:—
(i.) Where the debt does not exceed five hundred pounds;
(ii.) Where the debt exceeds five hundred pounds and does not exceed one thousand pounds;
(iii.) Where the debt exceeds one thousand pounds and does not exceed three thousand pounds;
(iv.) Where the debt exceeds three thousand pounds and does not exceed five thousand pounds; and
- With respect to any other mortgage to the society, the particulars shown by the appropriate tabular form in the First Schedule to this Act.

(2.) Every auditor, in attesting any such annual account or statement, shall either certify that correct, duly vouched, and in accordance with law, or specially report to the society in what respect he finds it incorrect, unvouched, or not in accordance with law, and shall also certify that he has at that audit actually inspected the mortgage deeds and other securities belonging to the society, and shall state the number of properties with respect to which deeds have been produced to and actually inspected by him.

(3.) A copy of every such annual account and statement shall be sent to the registrar within fourteen days after the annual or other general meeting at which it is presented, or within three months after the expiration of the official year of the society, whichever period expires first.

(4.) For the purposes of this section the expression "official year" shall mean, in the case of any society established after the passing of this Act, the year ending with the thirty-first day of December, and, in the case of any society established before the passing of this Act, the year ending with the time up to which its annual account and statement is made at the passing of this Act.

(5.) This section shall not come into operation until the expiration of twelve months after the passing of this Act.

3. *Auditors.* Notwithstanding anything in the rules of any society under the Building Societies Acts, one at least of the auditors of the society shall be a person who publicly carries on the business of an accountant.

4. *Inspection of books.* (1.) The registrar may, if he thinks fit, on the application of ten members of a society under the Building Societies Acts, each of whom has been a member of the society for not less than twelve months immediately preceding the date of the application, appoint an accountant or actuary to inspect the books of the society, and to report thereon.

(2.) Provided as follows:—

- The applicants shall deposit with the registrar such sum as a security for the costs of the proposed inspection as the registrar may require; and
- All expenses of and incidental to any such inspection shall be defrayed by the applicants, or out of the funds of the society, or by the members or officers, or former members or officers, of the society in such proportions as the registrar may direct.

(3.) A person appointed under this section shall have power to make copies of any books of the society and to take extracts therefrom at all reasonable hours, at the registered office of the society, or at any place where the books are kept.

(4.) The registrar shall communicate the results of any such inspection to the applicants and to the society.

5. *Power of registrar on application to appoint inspector or call special meeting.* (1.) The registrar may, on the application of one-tenth of the whole number of members of a society under the Building Societies Acts, or of one hundred members in the case of a society consisting of more than one thousand members, and with the consent of the Secretary of State, either—

- appoint an inspector to examine into and report on the affairs of the society; or
 - call a special meeting of the society.
- (2.) Provided as follows:—
- The application under this section shall be supported by such evidence as the registrar may direct for the purpose of shewing that the applicants have good reason for requiring the inspection to be made or the meeting to be called, and that they are not actuated by malicious motives in their application; and
 - Such notice of the application shall be given to the society as the registrar may direct; and
 - The registrar shall require the applicants to give security for the costs of the proposed inspection or meeting before the inspector is appointed or the meeting is called; and
 - All expenses of and incidental to the inspection or meeting shall be defrayed by the applicants, or out of the funds of the society, or by the members or officers, or

former members or officers of the society, in such proportions as the registrar may direct.

(3.) An inspector appointed under this section may require the production of all or any of the books, accounts, securities, and documents of the society, and may examine on oath its officers, members, agents, and servants in relation to its business, and may administer an oath accordingly.

(4.) The registrar may direct at what time and place a special meeting under this section is to be held, and what matters are to be discussed and determined at the meeting, and the meeting shall have all the powers of a meeting called according to the rules of the society, and shall in all cases have power to appoint its own chairman, any rule of the society to the contrary notwithstanding.

(5.) The registrar may, without any application by members, but with the consent of the Secretary of State given on each occasion, exercise the powers given by this section in the following cases:—

(a.) Where a society has, for two months after notice, failed to make any return required by the Building Societies Acts:

(b.) Where a society has, for two months after notice, failed to correct or complete any such return;

(c.) Where evidence is furnished by a statutory declaration of not less than three members of a society, of facts which, in the opinion of the registrar, call for investigation, or for recourse to the judgment of a meeting of the members. Provided that the registrar shall forthwith, on receipt of such declaration, send a copy thereof to the society, and such society shall, within fourteen days from the sending of such copy, be entitled to give the registrar an explanatory statement in writing, by way of reply thereto.

6. *Cancelling and suspension of registry* (1.) Where the registrar is satisfied that a certificate of incorporation has been obtained for a society under the Building Societies Acts by fraud or mistake, or that any such society exists for an illegal purpose, or has wilfully and after notice from the registrar violated any of the provisions of the Building Societies Acts, or has ceased to exist, the registrar may, by writing under his hand, with the approval of the Secretary of State, cancel the registry of the society, or suspend the registry thereof for any term not exceeding three months, and may, with the like approval, renew such suspension from time to time for the like period.

(2.) The registrar shall, before cancelling or suspending the registry of a society under the foregoing powers, give to the society not less than two months' previous notice in writing, specifying briefly the ground of the proposed cancelling or suspension, and shall, as soon as practicable after the cancelling or suspension takes place, cause notice thereof to be published in the Gazette, and in some newspaper circulating in the county in which the registered chief office or place of meeting of the society is situate.

(3.) A society may appeal from the cancelling of its registry, or from any suspension thereof for a term exceeding six months, to the High Court in England or Ireland or to the Court of Session in Scotland, and thereupon the Court may, if it thinks it just so to do, set aside the cancelling or suspension.

(4.) The registrar may also, if he thinks fit, at the request of any society under the Building Societies Acts, evidenced in such manner as he may direct, cancel the registry of the society.

(5.) A society whose registry has been cancelled or suspended shall from the time of such cancelling or suspension (but in case of suspension, only while the suspension lasts, and in any case subject to the right of appeal given by this section) absolutely cease to enjoy as such the privileges of a society under the Building Societies Acts, but without preclusion to any liability actually incurred by the society, and any such liability may be enforced against the society as if the cancelling or suspension had not taken place.

7. *Power to dissolve society after investigation.* (1.) On the application in writing of one-tenth of the whole number of members of any society under the Building Societies Acts, or of one hundred members in the case of a society of more than one thousand

members, setting forth that the society is unable to meet the claims of its members, and that it would be for their benefit that it should be dissolved, and requesting an investigation into the affairs of the society with a view to the dissolution thereof, the registrar may investigate the affairs of the society, but shall, before so doing, give not less than two months' previous notice in writing to the society at its registered chief office or place of meeting.

(2.) If on such investigation it appears that the society is unable to meet the claims of its members, and that it would be for their benefit that it should be dissolved, the registrar may, if he considers it expedient so to do, award that the society be dissolved, and shall direct in what manner the affairs of the society are to be wound up. Provided that the registrar may suspend his award for such period as he may deem necessary to enable the society to make such alterations of its rules as will in his judgment prevent the necessity of the award being made.

(3.) The registrar shall, within twenty-one days after the making of any award for dissolution under this section, cause notice thereof to be advertised in the Gazette and in some newspaper circulating in the county in which the registered chief office or place of meeting of the society is situate.

8. *Application of 53 & 54 Vict. c. 63 to building societies.* (1.) Notwithstanding anything in the Building Societies Acts, every society under those Acts shall be deemed to be a company within the meaning of the Companies (Winding-up) Act, 1890.

(2.) Any proceedings in the winding up of any such society which at the passing of this Act are pending in any county court may, on application by or on behalf of the registrar, with the consent of the Secretary of State, be transferred to the High Court, and thereupon the Companies (Winding-up) Act, 1890, shall, so far as applicable, apply thereto accordingly.

9. *Obligations of liquidators and trustees in case of dissolution.* Where a society under the Building Societies Acts is being dissolved in manner prescribed by its rules or in pursuance of the consent of three-fourths of the members, the provisions of the Building Societies Acts shall continue to apply in the case of the society as if the liquidators or other persons conducting the dissolution of the society or the trustees appointed under the instrument of dissolution were the board of directors or committee of management of the society.

10. *Liability of borrowing members in event of dissolution.* When a society under the Building Societies Acts is being dissolved or wound up, a member to whom an advance has been made under any mortgage or other security, or under the rules of the society, shall not be liable to pay the amount payable under the mortgage or other security or rules, except at the time or times and subject to the conditions therein expressed. This section shall come into operation immediately after the passing of this Act.

11. *Account and balance sheet to be sent to registrar on dissolution.* If a society under the Building Societies Acts is dissolved in manner prescribed by its rules or in pursuance of the consent of three-fourths of the members, the liquidators, trustees, or other persons having the conduct of the dissolution shall, within twenty-eight days from the termination of the dissolution, send to the registrar an account and balance sheet signed and certified by them as correct, and shewing the assets and liabilities of the society at the commencement of the dissolution and the mode in which those assets and liabilities have been applied and discharged, and in default of so doing shall each be liable to a fine not exceeding five pounds for every day during which the default continues.

12. *Prohibition of balloting for advances.* (1.) A society under the Building Societies Acts established after the passing of this Act shall not cause or permit the applicants for advances to ballot for precedence or in any way make the granting of an advance depend on any chance or lot.

(2.) Where the rules of a society under the Building Societies Acts established before the passing of this Act provide that advances may be balloted for, the society may, notwithstanding

anything in its rules, resolve, by a majority of its members present or voting by voting papers, at a meeting called for the purpose, upon a scheme for the discontinuance of advances by ballot and for making other provision in lieu thereof, provided that the scheme is supported by a majority of such of the members present or voting by voting papers at the meeting as have not at the date of the meeting received their advances by ballot; and every scheme so resolved on, and every alteration thereof, shall be registered in the manner provided for the registration of rules, and shall be binding on all members and officers of the society.

(3.) A notice of any such meeting and a copy of the proposed scheme, together with a voting paper, shall be sent by post to every member of the society at least fourteen days before the date of the meeting.

13. *Prohibition of advances on second mortgage.* (1.) A society under the Building Societies Acts shall not advance money on the security of any freehold, copyhold, or leasehold estate which is subject to a prior mortgage, unless the prior mortgage is in favour of the society making the advance.

(2.) Provided that this section shall not apply to any society in Scotland or Ireland which is at the passing of this Act authorized by the rules to make advances upon second mortgage.

(3.) If any advance is made in contravention of this section, the directors of the society who authorized the advance shall be jointly and severally liable for any loss on the advance occasioned to the society.

14. *Limits of borrowing power.* In calculating the amount for the time being secured to a society under the Building Societies Acts by mortgages from its members for the purpose of ascertaining the limits of its powers to receive deposits or loans at interest, the amount secured on properties the payments in respect of which were upwards of twelve months in arrear at the date of the society's last preceding annual account and statement, and the amount secured on properties of which the society had been twelve months in possession at the date of such account and statement, shall be disregarded.

Provided that this section shall not affect the validity of any deposit or loan which was within the limit provided by law at the time when it was received, and so far as regards any amount secured either on properties the payments in respect of which were upwards of twelve months in arrear at the passing of this Act, or on properties in the possession of the society at the passing of this Act, shall not come into operation until the expiration of three years from the passing of this Act.

15. *Provisions as to name and deposits.* (1.) A society under the Building Societies Acts shall not use any name or title other than its registered name, and shall not accept any deposit except on the terms that not less than one month's notice may be required by the managers of the society before repayment or withdrawal.

(2.) If a society contravenes this section, the society, and also every director or member of the committee of management who is a party to the contravention, shall be liable on summary conviction to a fine not exceeding ten pounds, and in the case of a continuing offence to an additional fine not exceeding ten pounds for every week during which the offence continues.

16. *Deposits in and investments through savings banks.* (1.) A society under the Building Societies Acts may—

(a.) deposit in a savings bank any money belonging to the society, provided that the whole amount, exclusive of Government stock, credited by the bank to the society does not exceed three hundred pounds at any one time; and

(b.) invest in Government stock through a savings bank any money of the society, provided that the whole amount of Government stock credited by the bank to the society does not exceed five hundred pounds stock at any one time.

(2.) In this section the expressions "savings bank" and "Government stock" have respectively the same meaning as in the Savings Bank Act, 1893 [56 & 57 Vict. c. 69].

17. *Extension of powers of investment.*] The powers of investment under section twenty-five of the Building Societies Act, 1874, shall include power to invest in or upon any security in which trustees are for the time being authorized by law to invest.

18. *Explanation of 37 & 38 Vict. c. 42, s. 31, as to initiation of proceedings.*] Proceedings under section thirty-one of the Building Societies Act, 1874, may be taken by or at the instance of—

- (a) the society; or
- (b) any member authorized by the society, or by the board of directors or committee of management thereof, or by the registrar; or
- (c) the registrar.

19. *Explanation of 37 & 38 Vict. c. 42, s. 33, as to unions and transfers.*] Where three-fourths of the members of two or more societies present at general meetings respectively convened for the purpose of considering any union or transfer under section thirty-three of the Building Societies Act, 1874, agree to the union or transfer, the agreement shall, notwithstanding anything in that section, be valid if it obtains the concurrence in writing of the holders of not less than two-thirds of the whole number of shares of each society, whether they are present at the meeting or not.

20. *Arbitrators not to be compelled to state special case on settlement of disputes.*] Notwithstanding anything contained in the Arbitration Act, 1889, or in any other Act, the arbitrators, registrar, or court to whom a dispute is referred in pursuance of the Building Societies Act, 1874, shall not be compelled to state a special case on any question of law arising in the case, but may do so on the request of either party as provided in section thirty-six of the Building Societies Act, 1874.

21. *Offences by building societies.*] If any society under the Building Societies Acts neglects or refuses—

- (a) to give any notice, send any return or document, or do or allow to be done anything which the society is by those Acts required to give, send, do or allow to be done; or,
 - (b) to do any act or furnish any information required for the purposes of those Acts by the registrar or by an inspector;
- the society, and also every officer thereof bound by

the rules thereof to fulfil the duty whereof a breach has been so committed, and if there is no such officer, then every member of the committee of management or board of directors of the society, unless it appears that he was ignorant of or attempted to prevent the breach, shall for each offence be liable, on summary conviction, to a fine not exceeding twenty pounds, and in the case of a continuing offence, to an additional fine not exceeding five pounds for every week during which the offence continues.

22. *Falsely entries.*] If any person wilfully makes, orders, or allows to be made any false statement in any document required by the Building Societies Acts to be sent to the registrar, or by erasure, omission, or otherwise wilfully falsifies any such document, he shall be liable on summary conviction to a fine not exceeding fifty pounds.

23. *Gifts, &c., not to be accepted by officials.*] No director, secretary, surveyor, solicitor, or other officer of a society under the Building Societies Acts shall, in addition to the remuneration prescribed or authorized by the rules of the society, receive from any other person any gift, bonus, commission, or benefit, for or in connection with any loan made by the society, and any person paying or accepting any such gift, bonus, commission, or benefit shall be liable on summary conviction to a fine not exceeding fifty pounds, and, in default of payment, to be imprisoned, with or without hard labour, for any time not exceeding six months, and the person accepting any such gift, bonus, commission, or benefit shall, as and when directed by the court by whom he is convicted, pay over to the society the amount or value of such gift, bonus, commission, or benefit, and, in default of such payment, shall be liable to be imprisoned, with or without hard labour, for any time not exceeding six months.

24. *Competency of defendant and wife as witnesses.*] Upon the hearing of any charge involving the infliction of fine or imprisonment on summary conviction under this Act, the defendant and his wife shall be admissible as competent witnesses.

25. *Provisions as to societies certified under 6 & 7 Will. 4, c. 32.*] (1.) Section forty of the Building

Societies Act, 1874, shall apply to every society which has been certified under the Building Societies Act, 1836 (that is to say, the Act of the session held in the sixth and seventh years of King William the Fourth, chapter thirty-two, intituled "An Act for the regulation of benefit building societies"), and has not been incorporated under the Building Societies Act, 1874, and exists at the passing of this Act, and if any such society fails to comply with the requirements of that section, the society and its members and officers shall be subject to the like penalties as if the society were a society under the Building Societies Acts.

(2.) On the expiration of two years from the passing of this Act, the said Building Societies Act, 1836, shall be repealed as to all societies certified thereunder after the year one thousand eight hundred and fifty-six.

26. *Forms.*] The forms in the Third Schedule to this Act shall, after the commencement of this Act, be used under the Building Societies Acts.

27. *Annual report by registrar.*] The Chief Registrar of Friendly Societies shall cause to be made an abstract and report of the annual accounts and statements of societies and of the proceedings of the registrars under the Building Societies Acts, and shall lay the same before the Secretary of State and before Parliament.

28. *Repeal.*] The Acts specified in the Second Schedule to this Act are hereby repealed to the extent mentioned in the third column of that Schedule.

29. *Short title and construction.*] This Act may be cited as the Building Societies Act, 1891, and shall be construed as one with the Building Societies Act, 1874 [37 & 38 Vict. c. 42], the Building Societies Act, 1875 [38 & 39 Vict. c. 9], the Building Societies Act, 1877 [40 & 41 Vict. c. 63], and the Building Societies Act, 1884 [47 & 48 Vict. c. 41], and those Acts and this Act are in this Act referred to, and may be cited collectively, as the Building Societies Acts.

30. *Commencement of Act.*] This Act shall, except as otherwise expressed, come into operation on the first day of January one thousand eight hundred and ninety-five.

SCHEDULES.

FIRST SCHEDULE.

[Section 2.]

PART I.

PARTICULARS to be set forth in the case of a Mortgage where the repayments are not upwards of twelve months in arrears, and the Property has not been upwards of twelve months in possession of the Society, and where the present Debt exceeds £5,000.

1. Date of Advance.	2. Whether subject to any prior Mortgage or Charge. If so, what Amount.	3. Whether Freehold, Copyhold, or Leasehold.	4. Original Valuation of Property.	5. Amount of Advance.	6. Present Debt.	7. Amount of Payments in Advance.	8. Amount of Payments in Arrear.	9. Observations.
			£	£	£	£	£	
Total								

PART II.

PARTICULARS to be set forth in the case of Property of which the Society has been upwards of twelve months in Possession.

1. Roll Numbers.	2. Date of Advance.	3. Date when Possession was taken.	4. Whether subject to any prior Mortgage or Charge. If so, what Amount.	5. Whether Freehold, Copyhold, or Leasehold.	6. Amount of Advance.	7. Original Valuation of Property.	8. Debt when Possession was taken.	9. Present Amount included in Assets.	10. Gross Income for the Year.	11. Outgoings for the Year.	12. Observations.
					£	£	£	£	£	£	
Total											

PART III.

PARTICULARS to be set forth in the case of a Mortgage where the repayments are upwards of twelve months in arrear, and the Property has not been upwards of twelve months in Possession of the Society:

1. Date of Advance.	2. Whether subject to any prior Mortgage or Charge. If so, what Amount.	3. Whether Freehold, Copyhold, or Leasehold.	4. Number of Months in Arrear.	5. Original Valuation of Property.	6. Amount of Advance.	7. Present Debt.	8. Amount of Payments in Arrear.	9. Observations.
				£	£	£	£	
			Total -					

SECOND SCHEDULE.

[Section 28.]

ENACTMENTS REPEALED.

Session and Chapter.	Short Title.	Extent of Repeal.
37 & 38 Vict. c. 42	The Building Societies Act, 1874	Paragraphs 2 and 4 of section sixteen. In section forty-three the words "in forwarding to the registrar any returns or information by this Act required or"; the words "or makes a return wilfully false in any respect"; the words "or who shall have made such wilfully false return"; and the words "or false return."
40 & 41 Vict. c. 63	The Building Societies Act, 1877	Section six and the schedule.

THIRD SCHEDULE.

[Section 26.]

CERTIFICATE OF INCORPORATION.
No.

The Registrar of Building Societies in England [Scotland or Ireland] hereby certifies that the Building Society, established at in the county of, is incorporated under the Building Societies Act, 1874, this day of, one thousand eight hundred and. The incorporation of a building society does not imply any approval by the registrar of its rules or tables, or any guarantee of its good management or financial stability.

[Seal of Central Office or signature of Assistant Registrar of Friendly Societies.]

CERTIFICATE OF REGISTRATION OF ALTERATION OF RULES.

The Registrar of Building Societies in England [Scotland or Ireland] hereby certifies that the foregoing alteration of [or addition to] the rules of the Building Society, established at in the county of, is registered under the Building Societies Act, 1874, this day of, one thousand eight hundred and. The registry of rules or alterations does not imply any approval of them by the Registrar, or any guarantee of the good management or financial stability of the society.

[Seal of Central Office, or signature of Assistant Registrar of Friendly Societies.]

CERTIFICATE OF REGISTRATION OF CHANGE OF NAME.

The Registrar of Building Societies in England [Scotland or Ireland] hereby certifies that the registered name of the Building Society, established at in the county of, is changed from the date hereof to the name following:—

This day of 189.

[Seal of Central Office or signature of Assistant Registrar of Friendly Societies.]

CERTIFICATE OF ALTERATION OF CHIEF OFFICE.

The Registrar of Building Societies in England [Scotland or Ireland] hereby certifies that the registered chief office of the Building Society, established at in the county of,

is changed from the date hereof to the office or place following:—

This day of 189.
[Seal of Central Office or signature of Assistant Registrar of Friendly Societies.]

CERTIFICATE OF REGISTRATION OF INSTRUMENT OF DISSOLUTION.

The Registrar of Building Societies in England [Scotland or Ireland] hereby certifies that the foregoing instrument of Dissolution of the Building Society, established at in the county of, is registered under the Building Societies Act, 1874, this day of 189.

[Seal of Central Office or signature of Assistant Registrar of Friendly Societies.]

CHAPTER 48.

[Expiring Laws Continuance Act, 1894.]

An Act to continue various Expiring Laws.
[25th August 1894.]

CHAPTER 49.

[Jurors (Ireland) Amendment Act, 1894.]

An Act to amend the Juries (Ireland) Acts.
[25th August 1894.]

CHAPTER 50.

[Congested Districts Board (Ireland) Act, 1894.]

An Act to make further provision with respect to the Congested Districts Board for Ireland.
[25th August 1894.]

CHAPTER 51.

[Chimney Sweepers Act, 1894.]

An Act to make better provision for the Regulation of Chimney Sweepers.
[25th August 1894.]

Be it enacted, &c.:

1. *Penalty for knocking or ringing bells.* Any person who shall for the purpose of soliciting employment as a chimney sweeper knock at the houses from door to door, or ring a bell, or use

any noisy instrument, or to the annoyance of any inhabitant thereof ring the door-bell of any house, or cause anyone to do any of the acts aforesaid, shall be liable on summary conviction to a penalty not exceeding ten shillings for the first offence, and to a penalty not exceeding twenty shillings for every subsequent offence.

2. *Application of fees.* All fees received under the Chimney Sweepers Act, 1875 [38 & 39 Vict. c. 70], in England shall be paid to the pension fund of the police force of the police district in which the certificate under the said Act was issued.

3. *Short title and construction.* This Act may be cited as the Chimney Sweepers Act, 1894, and shall be read as one with the Chimney Sweepers Act, 1875.

4. *Extent of Act.* This Act shall not apply to Scotland.

5. *Commencement of Act.* This Act shall come into operation on the first day of January one thousand eight hundred and ninety-five.

CHAPTER 52.

[Coal Mines (Check Weigher) Act, 1894.]

An Act to amend the provisions of the Coal Mines Regulation Act, 1887, with respect to Check Weighers.

[25th August 1894.]

Be it enacted, &c.:

1. *Penalty for interference with office of check weigher.* If the owner, agent, or manager of any mine, or any person employed by or acting under the instructions of any such owner, agent, or manager, interferes with the appointment of a check weigher, or refuses to afford proper facilities for the holding of any meeting for the purpose of making such appointment, in any case in which the persons entitled to make the appointment do not possess or are unable to obtain a suitable meeting place, or attempts, whether by threats, bribes, promises, notice of dismissal, or otherwise howsoever, to exercise improper influence in respect of such appointment, or to induce the persons entitled to appoint a check weigher, or any of them, not to re-appoint a check weigher, or to vote for or against any particular person or class of persons in the appointment of a check weigher, such owner, agent, or manager shall be guilty of an offence against the Coal Mines Regulation Act, 1887 [50 & 51 Vict. c. 58].

2. *Short title.* This Act may be cited as the Coal Mines (Check Weigher) Act, 1894.

CHAPTER 53.

[London (Equalization of Rates) Act, 1894.]

An Act to make better provision for the Equalization of Rates as between the different parts of London. [25th August 1894.]

Be it enacted, &c.:

1. *Equalization of sanitary authorities rates by general rate over all London.* (1.) For aiding the equalization of the rates in London, the London County Council shall in every year form a fund (in this Act called the Equalization Fund) equal to a rate of sixpence in the pound on the rateable value of London according to the valuation lists as they stand on the sixth day of April in that year.

(2.) The London County Council shall half yearly determine the contribution from each parish in London to one-half of the Equalization Fund, and the grant due from that one half of the fund to each parish.

(3.) They shall determine the contribution by apportioning the amount of half the Equalization Fund among the parishes in proportion to their rateable value according to the said valuation lists.

(4.) They shall determine the grant due by apportioning the amount of half the Equalization Fund among the sanitary districts in proportion to their population, and where a sanitary district comprises two or more parishes by dividing that grant among those parishes in proportion to their population, with this exception, that where the aggregate of the contributions from the parishes in the district is less than the grant apportioned to the district, the difference shall be paid out of the Equalization Fund to the sanitary authority of the district, and no payment towards any equalization charge shall be required from any parish in the district.

(5.) Subject as aforesaid, where the contribution from a parish—

(a) is less than the grant due, the difference shall be paid out of the Equalization Fund to the sanitary authority of the district forming or comprising the parish; but

(b) if it exceeds the grant due to the parish, the council shall, for the special purpose of meeting the excess, levy on the parish a county contribution (called the equalization charge) as a separate item of the county rate.

(6.) Every sum paid under this section to a sanitary authority shall be applied in defraying the expenses of the sanitary authority incurred under the Public Health (London) Act, 1891 [54 & 55 Vict. c. 96], and so far as not required for that purpose those incurred in respect of lighting, and so far as not required for that purpose those incurred in respect of streets: Provided that where the district of such sanitary authority comprises two or more parishes, the sum paid shall be apportioned among the parishes in proportion to their population, and the amount so apportioned to each parish shall be credited to the parish in reduction of the rates required from such parish towards the above-mentioned expenses.

(7.) Every sanitary authority to whom a sum is paid under this Act in any year shall, within the prescribed time after the following thirty-first day of March, render to the Local Government Board a true account in the prescribed form shewing, for the twelve months preceding the said day, the total amount of the sum so paid, and the total amount of the expenses incurred by the authority under each of the following heads:—

(a) under the Public Health (London) Act, 1891;

(b) in respect of lighting; and

(c) in respect of streets;

and shewing the amount expended in respect of each head out of the sums paid to such authority under this Act.

(8.) Where the Local Government Board under section one hundred and one of the Public Health (London) Act, 1891, are satisfied that a sanitary authority have been guilty of such default as in that section mentioned, and have made an order limiting a time for the performance of the duty of the authority, the London County Council shall, if so directed by the Local Government Board, withhold the whole or any part of the payment (if any) next accruing due from the equalization fund to such sanitary authority.

Any sums which may during any financial year be withheld in accordance with the foregoing enactment shall be carried forward to the credit of the equalization fund in the following year, and the amount to be apportioned among the sanitary districts for determining the grant due shall be proportionately increased.

(9.) The account of the Equalization Fund shall be a separate account of the county fund.

2. *Form of contribution orders, demand notes, and receipts.* The Local Government Board shall by order prescribe the forms of contribution orders, precepts, demand notes, and receipts, so far as seems to the Board to be necessary for stating therein as a separate item any equalization charge, and any credit in respect of a receipt under this Act which affects the sum named therein.

3. *Provision for intermediate census.* (1.) A census shall be taken for the purpose of ascertaining the number of persons present within each parish in the administrative county of London on the night of Sunday the twenty-ninth day of March, one thousand eight hundred and ninety-six, and the provisions of the Census (England and Wales) Act, 1890 [53 & 54 Vict. c. 61], including the penal provisions, shall, subject to such modifications as may be prescribed for the purposes of this Act, apply in the case of the census so taken as if it were taken in pursuance of that Act; except that the expenses certified by the Registrar General to have been incurred in respect of the census shall be paid by the London County Council out of the Equalization Fund, and the amount to be apportioned among the sanitary districts for determining the grant due shall be proportionately reduced.

(2.) The authority making the poor rate in each such parish shall in every year make to the Local Government Board a return of the total number of houses entered in the rate book of their parish. The return shall be made at such time and in such form, and the numbers shall be ascertained, and the return shall be verified, in such manner as may be prescribed. The Local Government Board shall forward such returns to the Registrar General, and thereupon he shall estimate the population of the parish on the sixth day of April in that year, and the population so estimated shall for the purposes of this Act be the population of the parish during the twelve months beginning on that day.

(3.) Provided that the first return under this section, and a like return with reference to the year one thousand eight hundred and ninety-one, shall be made within six weeks after the passing of this Act, and the population estimated upon the basis of such returns shall for the purposes of this Act be the population of the parish for the year beginning on the sixth day of April one thousand eight hundred and ninety-four.

(4.) If any authority making the poor rate fail to make a return under this section within one month after the time at which such return is required, each of the persons constituting the authority who is in fault shall be liable on summary conviction to a fine not exceeding fifty pounds, and not exceeding ten pounds for every day during which the failure continues after the first conviction for such failure.

4. *Definitions, commencement of Act, short title.*

(1.) In this Act, unless the context otherwise requires,—

The expression "London" means the administrative county of London.

The expression "sanitary authority" has the same meaning as in the Public Health (London) Act, 1891 [54 & 55 Vict. c. 76], but does not include the port sanitary authority, and "sanitary district" means the district of any authority as so defined.

The expression "population" means population according to the last published census for the time being, including the census taken in pursuance of this Act, or in any year in which a census is not taken according to the population estimated by the Registrar General under this Act.

The expression "prescribed" means prescribed by the Local Government Board.

(2.) This Act shall, except for the purposes of section three thereof, come into operation on the thirtieth day of September one thousand eight hundred and ninety-four, and the amount of half the Equalization Fund for the half year beginning

on that day shall be equal to threepence in the pound on the rateable value of London according to the valuation lists as they stood on the said day.

(3.) This Act may be cited as the London (Equalization of Rates) Act, 1894.

CHAPTER 54.

[Railway and Canal Traffic Act, 1894.]

An Act to amend the Railway and Canal Traffic Act, 1888. [25th August 1894.]

Be it enacted, &c.:

1. *Complaints as to rates or charges raised since 1892.* (1.) Where a railway company have, either alone or jointly with any other railway company or companies, since the last day of December one thousand eight hundred and ninety-two directly or indirectly increased, or hereafter increase directly or indirectly, any rate or charge, then if any complaint is made that the rate or charge is unreasonable, it shall lie on the company to prove that the increase of the rate or charge is reasonable, and for that purpose it shall not be sufficient to show that the rate or charge is within any limit fixed by an Act of Parliament or by any Provisional Order confirmed by Act of Parliament.

(2.) Under and subject to any regulations which may be made by the Board of Trade, every railway company shall keep the books, schedules, or other papers, specifying all the rates, charges, and conditions of transport in use upon such railway on the thirty-first day of December one thousand eight hundred and ninety-two, open for inspection at its head office, and shall upon demand supply copies of or extracts from such books, schedules, and papers.

(3.) The Railway and Canal Commissioners shall have jurisdiction to hear and determine any complaint with respect to any such increase of rate or charge, but not until a complaint with respect thereto has been made to and considered by the Board of Trade under section thirty-one of the Railway and Canal Traffic Act, 1888 [51 & 52 Vict. c. 25].

(4.) Unless the court shall before or at the hearing of the complaint otherwise order, a complainant to the Railway and Canal Commissioners under this section shall, before or within fourteen days after filing his complaint, pay to the railway company such sum in respect of any rate or charge complained of as would have been payable by him to them had the rate or charge in force immediately before the increase remained in force; or if that rate or charge is higher than the rate or charge in force on the last day of December one thousand eight hundred and ninety-two, then such sum as would have been payable on the footing of the last mentioned rate or charge; any dispute as to the amount so payable shall be decided by the registrar, or in such other mode as the court may order, but such payment or decision shall be without prejudice to any order of the court upon the complaint.

(5.) Section twelve of the Railway and Canal Traffic Act, 1888 [51 & 52 Vict. c. 25], shall apply in the case of any such complaint, and in the case of any rate or charge increased before the passing of this Act shall have effect as if six months after the passing of this Act were substituted for the limit of one year therein mentioned, but the Board of Trade may, if they think fit, extend the said period of six months with respect to any complaints made to them during that period.

2. *Restrictions on power to award costs.* In proceedings before the Railway and Canal Commissioners, other than disputes between two or more companies, the Commissioners shall not have power to award costs on either side, unless they are of opinion that either the claim or the defence has been frivolous and vexatious.

3. *Amendment of 36 & 37 Vict. c. 43, s. 14, as to division of rates.* The provisions of section fourteen of the Regulation of Railways Act, 1873, with respect to the power to make orders and failure to comply with such orders, shall extend to any rates entered in books kept in pursuance of section thirty-four of the Railway and Canal Traffic Act, 1888.

4. *Rebate on siding rates.* Whenever merchandise is received or delivered by a railway company at any siding or branch railway not belonging to the

company, and a dispute arises between the railway company and the consignee or consignee of such merchandise as to any allowance or rebate to be made from the rates charged to such consignee or consignee in respect that the railway company does not provide station accommodation or perform terminal services, the Railway and Canal Commissioners shall have jurisdiction to hear and determine such dispute, and to determine what, if any, is a reasonable and just allowance or rebate.

5. Short title.] This Act may be cited as the Railway and Canal Traffic Act, 1894, and shall be read with the Railway and Canal Traffic Acts, 1873 to 1888.

CHAPTER 55.

[Housing of the Working Classes Act, 1894.]

An Act to explain the provisions of Part II. of the Housing of the Working Classes Act, 1890, with respect to powers of borrowing.

[25th August 1894.]

Be it enacted, &c.:

1. Borrowing powers under a scheme for reconstruction.] For any purpose for which a local authority are, by a scheme for reconstruction duly sanctioned under Part II. of the Housing of the Working Classes Act, 1890 [53 & 54 Vict. c. 70], or by the order sanctioning the scheme, authorized to borrow, the authority shall have power and shall be deemed always to have had power to borrow in like manner and subject to the like conditions as they may borrow under section forty-three of that Act for the purpose of raising the sums required for the purchase-money or compensation therein mentioned, and sections forty-three and forty-six of that Act shall apply accordingly.

2. Short title.] This Act may be cited as the Housing of the Working Classes Act, 1894.

CHAPTER 56.

[Statute Law Revision Act, 1894.]

An Act for further promoting the Revision of the Statute Law by repealing Enactments which have ceased to be in force or have become unnecessary.

[25th August 1894.]

CHAPTER 57.

[Diseases of Animals Act, 1894.]

An Act to consolidate the Contagious Diseases (Animals) Acts, 1875 to 1893.

[25th August 1894.]

Be it enacted, &c.:

Central and Local Authorities.

1. Powers of Board of Agriculture in England, Wales, and Scotland.] The powers and duties conferred and imposed by this Act on the Board of Agriculture as regards England and Wales and Scotland, shall be executed and discharged by the Board in manner provided by the Board of Agriculture Act, 1889 [52 & 53 Vict. c. 30], and this Act.

2. Local authorities to execute Act.] The local authorities in this Act described shall execute and enforce this Act and every order of the Board of Agriculture so far as the same are to be executed or enforced by local authorities.

2. Local authorities in England and Wales.] The local authorities in England and Wales shall be—
(a.) for each borough not being a borough to which section thirty-nine of the Local Government Act, 1888 [51 & 52 Vict. c. 41], applies, the borough council;

(b.) for the residue of each administrative county, the county council.

Provided that the mayor and commonalty and citizens of the city of London, acting by the mayor, aldermen, and commoners of that city in common council assembled, shall be the local authority for the city of London, and shall be the local authority in and for the county of London for the purpose of the provisions of this Act relating to foreign animals.

3. Separation of diseased animals and notice to owners.] (1.) Every person having in his possession

or under his charge an animal affected with disease shall—

(a.) as far as practicable keep that animal separate from animals not so affected; and

(b.) with all practicable speed give notice of the fact of the animal being so affected to a constable of the police force for the police area wherein the animal so affected is.

(2.) The constable to whom notice is given, shall forthwith give information thereof to such person or authority as the Board of Agriculture by general order direct.

(3.) The Board may make such orders as they think fit for prescribing and regulating the notice to be given to or by any person or authority in case of any particular disease or in case of the illness of an animal, and for supplementing or varying for those purposes any of the provisions of this section.

Cattle Plague.

5. Cattle plague infected place.] (1.) Where it appears to an inspector that cattle plague exists, or has within ten days existed, in a cow-shed, field, or other place, he shall forthwith make and sign a declaration thereof.

(2.) He shall serve a notice, signed by him, of that declaration on the occupier of that cow-shed, field, or other place.

(3.) Thereupon that cow-shed, field, or other place, with all lands and buildings contiguous thereto in the same occupation, shall become and be a place infected with cattle plague, subject to the determination and declaration of the Board of Agriculture.

(4.) The inspector shall serve a like notice, signed by him, unless in the circumstances this appears to him not to be expedient, on the occupiers of all lands and buildings, any part whereof lies, in his judgment, within one mile in any direction from that cow-shed, field, or other place, or on the occupiers of any of those lands and buildings.

(5.) Thereupon all the lands and buildings aforesaid, on the occupiers whereof the inspector serves such a notice, shall become and be part of the place infected with cattle plague, subject to the determination and declaration of the Board.

(6.) The inspector shall, with all practicable speed, inform the Board and the local authority of his declaration and notices, and shall send to the Board his declaration and a copy of his secondly-mentioned notice (if any).

(7.) The Board shall forthwith on receipt of the information inquire into the correctness of the inspector's declaration.

(8.) If the Board are satisfied of the correctness of that declaration as regards the existence or past existence of cattle plague, they shall by order determine and declare accordingly, and prescribe the limits of the place infected with cattle plague.

(9.) If the Board are not satisfied of the correctness of the inspector's declaration as regards the existence or past existence of cattle plague, they shall by order determine and declare accordingly; and thereupon, as from the time specified in the order, the place comprised in the inspector's declaration and notices shall cease to be a place infected with cattle plague.

(10.) The Board may at any time, if they think fit, on any evidence satisfactory to them, by order—

(a.) declare any cow-shed, field, or other place with or without any lands or buildings adjoining or near thereto, to be a place infected with cattle plague; or

(b.) extend, contract, or otherwise alter the limits of a place infected with cattle plague; or

(c.) declare a place infected with cattle plague or any part thereof to be free from cattle plague.

6. Cattle plague infected area.] The Board of Agriculture may at any time, if they think fit, by order—

(a.) declare any area, wherein a place infected with cattle plague is situate, to be an area infected with cattle plague; or

(b.) extend, contract, or otherwise alter the limits of an area infected with cattle plague; or

(c.) declare an area infected with cattle plague or any part thereof to be free from cattle plague.

7. Slaughter by Board of Agriculture in cattle plague, and compensation out of public money.] (1.) The Board of Agriculture shall cause to be slaughtered—

(i.) all animals affected with cattle plague, and
(ii.) all animals being or having been in the same shed, stable, herd or flock, or in contact with an animal affected with cattle plague.

(2.) The Board may, if they think fit, in any case cause to be slaughtered—

(i.) any animals suspected of being affected with cattle plague, or being in a place infected with cattle plague,

(ii.) any animals being in such parts of an area infected with cattle plague as are not comprised in a place infected with cattle plague (but in this last-mentioned case subject to such regulations as the Treasury think fit to make).

(3.) The Board shall for animals slaughtered under this section pay compensation as follows, out of money provided by Parliament:—

(a.) Where the animal slaughtered was affected with cattle plague, the compensation shall be one half of its value immediately before it became so affected, but so that the compensation does not in any such case exceed twenty pounds; and

(b.) In every other case the compensation shall be the value of the animal immediately before it was slaughtered, but so that the compensation does not in any case exceed forty pounds.

Infected Places, Areas, and Circles for Diseases generally.

8. Pleuro-pneumonia or foot-and-mouth disease infected place.] (1.) Where it appears to an inspector of a local authority that pleuro-pneumonia or foot-and-mouth disease exists, or has within the period herein-after mentioned existed, in a shed, field, or other place, he shall forthwith make and sign a declaration thereof. For the purposes of this subsection the period shall be in the case of pleuro-pneumonia fifty-six days, and in the case of foot-and-mouth disease ten days.

(2.) The inspector shall serve a notice, signed by him, of the declaration on the occupier of that shed, field, or other place, and, in the case of foot-and-mouth disease, also on the occupier of any land or buildings contiguous thereto as he may consider necessary.

(3.) Thereupon that shed, field, or other place shall become and be a place infected with pleuro-pneumonia or foot-and-mouth disease, as the case may be, subject to the determination and declaration of the local authority.

(4.) The inspector shall, with all practicable speed, inform the local authority of his declaration and notice, and shall send his declaration and a copy of his notice to the local authority, and shall, with all practicable speed, inform the Board of Agriculture of his declaration and notice, and send a copy of the same to the Board.

(5.) The local authority shall forthwith on receipt of that information inquire into the correctness of the inspector's declaration, with the assistance and advice, in the case of pleuro-pneumonia, and if so required by order of the Board in the case of foot-and-mouth disease, of a veterinary inspector, or of a person qualified according to this Act to be such.

(6.) If the local authority are satisfied of the correctness of the inspector's declaration as regards the existence or past existence of pleuro-pneumonia or foot-and-mouth disease, they shall by order determine and declare accordingly, and prescribe the limits of the place infected with pleuro-pneumonia or foot-and-mouth disease, and may, if they think fit, include within those limits any lands or buildings adjoining or near to the shed, field, or other place to which the inspector's declaration relates.

(7.) The local authority may include in a place infected with pleuro-pneumonia or foot-and-mouth disease any adjoining part of the district of another local authority, with the previous consent in writing of that authority, but not otherwise.

(8.) If the local authority are not satisfied of the correctness of the inspector's declaration as regards the existence or past existence of pleuro-pneumonia or foot-and-mouth disease, they shall by order

determine and declare accordingly; and thereupon, as from the time specified in that behalf in the order the shed, field, or other place to which the inspector's declaration relates shall cease to be a place infected with pleuro-pneumonia or foot-and-mouth disease, as the case may be.

(9.) The local authority shall forthwith report to the Board the declaration of the inspector, and the proceedings of the local authority thereon, and shall state whether or not it is, in their opinion, expedient that an infected area, comprising the infected place, should be declared, and, if so, what should, in their opinion, be the limits of that area, and whether or not there is within that area any place used for the holding of a market, fair, exhibition, or sale of animals or any specified kind thereof, and, if so, whether or not it is, in their opinion, expedient that the holding in that area, while infected, of a market, fair, exhibition, or sale of animals, or such kind thereof, should be prohibited or restricted by order of the Board.

(10.) This section shall, notwithstanding anything therein contained, be construed and have effect, subject to the subsequent section of this Act, whereby the Board are required to make, by order, provision respecting the case of animals found to be affected with pleuro-pneumonia or foot-and-mouth disease while exposed for sale or exhibited in a market, fair, sale-yard, or place of exhibition, and in other circumstances specified in the same section, and generally while being in a place not in the possession or occupation, or under the control, of the owner of the animals.

(11.) Where a local authority have declared a place to be infected with pleuro-pneumonia or foot-and-mouth disease, they may, if they think fit, having first obtained the assistance and advice of a veterinary inspector, or of a person qualified according to this Act to be such, at any time after the expiration of the period herein-after mentioned from the date of the cessation therein of pleuro-pneumonia or foot-and-mouth disease, but not sooner, declare by order that place to be free from pleuro-pneumonia or foot-and-mouth disease. For the purposes of this sub-section the period shall be in the case of pleuro-pneumonia fifty-six days, and in the case of foot-and-mouth disease fourteen days or such longer period not exceeding twenty-eight days as the Board by general order prescribe.

(12.) The Board may at any time, if they think fit, on any evidence satisfactory to them, by order—

- (a) declare any shed, field, or other place with or without any lands or buildings adjoining or near thereto, to be a place infected with pleuro-pneumonia or foot-and-mouth disease;
- (b) extend, contract, or otherwise alter the limits of any place infected with pleuro-pneumonia or foot-and-mouth disease declared either by the Board or a local authority; or
- (c) declare any place which has been declared by the Board or a local authority to be a place infected with pleuro-pneumonia or foot-and-mouth disease, to be free from pleuro-pneumonia or foot-and-mouth disease as the case may be.

9. *Pleuro-pneumonia or foot-and-mouth disease infected area.* (1.) The Board of Agriculture may at any time, if they think fit, on any evidence satisfactory to them by order—

- (a) declare any area wherein a place infected with pleuro-pneumonia or foot-and-mouth disease is situated to be an area infected with pleuro-pneumonia or foot-and-mouth disease; and
- (b) extend the limits of an area infected with pleuro-pneumonia or foot-and-mouth disease; and
- (c) when there is not within an area so declared, or within some particular portion thereof, any place infected with pleuro-pneumonia or foot-and-mouth disease, as the case may be, declare that area or that portion thereof to be free from pleuro-pneumonia or foot-and-mouth disease.

(4.) The Board on making any order declaring an area to be an area infected with pleuro-pneumonia or foot-and-mouth disease shall consider whether it is necessary or expedient to prohibit the holding in that area, while infected, of any market, fair, exhibition, or sale of animals or any specified kind thereof, and shall either prohibit the holding thereof accordingly or allow the same to be held on such

terms and conditions, if any, as they think fit to prescribe.

10. *General provisions as to infected places and areas.* (1.) The Board of Agriculture may make such orders as they think fit, subject and according to the provisions of this Act, for prescribing the cases in which places and areas are to be declared to be infected with a disease other than cattle plague, pleuro-pneumonia, or foot-and-mouth disease, and the authority, mode, and conditions by, in, and on which declarations in that behalf are to be made, and the effect and consequences thereof, and the duration and discontinuance thereof, and other matters connected therewith.

(2.) Every place or area so declared infected, as well as a place or area declared infected with cattle plague, pleuro-pneumonia, or foot-and-mouth disease, shall be an infected place or area for the purposes of this Act.

(3.) Notwithstanding anything in this Act, where the Board, on inquiry, and after communication with the local authority, but without prejudice to the powers of the Board as regards cattle plague, are satisfied that a declaration of a place being an infected place has been made in error respecting the existence or past existence of disease, or respecting the limits of a place, or respecting any other matter of fact whereon the declaration proceeded, the Board may by order cancel the declaration as regards the infected place, or as regards any part thereof, as they think fit.

(4.) Where, in accordance with the provisions of this Act, a place or an area or a portion of an area is declared free from a disease, or a declaration of a place being an infected place is cancelled as regards the place or as regards any part thereof, then, from the time specified in that behalf by the Board or a local authority, as the case may be, the place, or area or that portion of the area or that part of the place, shall cease to be, or to be in, an infected place or area.

(5.) An order of the Board or of a local authority declaring a place to be an infected place or area, or declaring a place or area, or a portion of an area, to be free from disease, or cancelling a declaration, shall be conclusive evidence to all intents of the existence or past existence or cessation of the disease, or of the error, and of any other matter whereon the order proceeds.

11. *Movement into, within, or out of infected places and areas in case of pleuro-pneumonia and foot-and-mouth disease.* (1.) Cattle shall not be moved into, within, or out of a place or area infected with pleuro-pneumonia otherwise than in accordance with the conditions contained in Part I. of the First Schedule to this Act.

(2.) Animals shall not be moved into, within, or out of a place or area infected with foot-and-mouth disease otherwise than in accordance with the conditions contained in Part II. of the First Schedule to this Act.

12. *Provisions as to infected circles.* (1.) Where the Board of Agriculture by order declare that this section shall apply in the case of any disease, then, upon any place becoming, in pursuance of a declaration made and signed by an inspector of a local authority, a place infected with that disease, the whole space lying within a distance of half a mile from any part of the infected place shall become and be a circle infected with that disease: Provided that the Board may, if they think fit, limit the application of any such order to infected places in any particular district or districts.

(2.) Where, under or in pursuance of this Act, the place, in respect of which an infected circle has been constituted in pursuance of this section, ceases to be an infected place, the infected circle shall cease to exist.

(3.) The Board may make such orders as they think fit for giving public notice of the existence of, and for contracting, the limits of, and disallowing infected circles, and for prohibiting or regulating the movement of animals into, within, and out of infected circles, or for any of those purposes, or for authorizing a local authority to make regulations for those purposes or any of them, subject to such conditions, if any, as the Board think fit to prescribe.

(4.) Where two or more circles infected with the same disease adjoin or overlap each other, the whole of the infected circles shall be deemed for the purpose of the movement of animals under any order

or regulations made in pursuance of this section to be one infected circle.

13. *Power to exclude strangers by notice.* A person owning or having charge of any animals in a place or area declared infected with any disease may affix, at or near the entrance to a building or enclosure in which the animals are, a notice forbidding persons to enter therein without the permission mentioned in the notice; and thereupon it shall not be lawful for any person, not having by law a right of entry or way into, on, or over that building or enclosure, to enter or go into, on, or over the same without that permission.

Slaughter by Board of Agriculture in case of Pleuro-pneumonia, Foot-and-mouth Disease, or Swine-fever.

14. *Slaughter by Board of Agriculture in pleuro-pneumonia, and compensation.* (1.) The Board of Agriculture shall cause to be slaughtered all cattle affected with pleuro-pneumonia.

(2.) The Board may, if they think fit, in any case cause to be slaughtered:—

- (a) any cattle suspected of being affected with pleuro-pneumonia; and
- (b) any cattle which are or which have been in the same field, shed, or other place, or in the same herd or otherwise in contact with cattle affected with pleuro-pneumonia, or which appear to the Board to have been in any way exposed to the infection of pleuro-pneumonia.

(3.) The Board shall for cattle slaughtered under this section pay compensation as follows:—

- (a) where the animal slaughtered was affected with pleuro-pneumonia, the compensation shall be three-fourths of the value of the animal immediately before it became so affected, but so that the compensation do not in any such case exceed thirty pounds; and
- (b) in every other case the compensation shall be the value of the animal immediately before it was slaughtered, but so that the compensation do not in any case exceed fifty pounds.

(4.) Where the Board have decided that any head of cattle is to be slaughtered under this section, the Board shall, if the owner of such head of cattle by notice in writing so requires, cause the same to be slaughtered within twenty-one days after the receipt of the notice.

(5.) The costs of the execution of this section in Great Britain shall be paid by the Board out of the moneys standing to the Cattle Pleuro-pneumonia Account for Great Britain.

15. *Slaughter by Board of Agriculture in foot-and-mouth disease, and compensation.* (1.) The Board of Agriculture may, if they think fit, in any case cause to be slaughtered:—

- (a) Any animals affected with foot-and-mouth disease, or suspected of being so affected; and
- (b) Any animals which are or have been in the same field, shed, or other place, or in the same herd or flock, or otherwise in contact with animals affected with foot-and-mouth disease, or which appear to the Board to have been in any way exposed to the infection of foot-and-mouth disease.

(2.) The Board shall for animals slaughtered under this section pay compensation as follows:—

- (a) Where the animal slaughtered was affected with foot-and-mouth disease the compensation shall be the value of the animal immediately before it became so affected; and
- (b) In every other case the compensation shall be the value of the animal immediately before it was slaughtered.

(3.) The costs of the execution of this section in Great Britain shall be paid by the Board out of the moneys standing to the Cattle Pleuro-pneumonia Account for Great Britain.

16. *Slaughter by Board of Agriculture in swine-fever and compensation.* (1.) The Board of Agriculture may, if they think fit, in any case cause to be slaughtered:—

- (a) Any swine affected with swine-fever, or suspected of being so affected; and
- (b) Any swine which are or have been in the same field, pig-sty, shed, or other place, or in the same herd, or otherwise in contact

with swine affected with swine-fever, or which appear to the Board to have been in any way exposed to the infection of swine-fever.

(2.) The Board shall for animals slaughtered under this section pay compensation as follows:—

- (i.) Where the animal slaughtered was affected with swine-fever, the compensation shall be one-half of the value of the animal immediately before it became so affected;
- (ii.) In every other case the compensation shall be the value of the animal immediately before it was slaughtered.

(3.) The costs of the execution of this section in Great Britain, including the costs of such measures under this Act as may seem to the Board necessary for preventing the spread of swine-fever, shall be paid by the Board out of the money standing to the Cattle Pleuro-pneumonia Account for Great Britain.

17. *Additional officers, and expenses for purposes of slaughter.* The Board of Agriculture may, for the purposes of the execution of the sections of this Act relating to the slaughter by the Board of cattle, animals, or swine, on account of pleuro-pneumonia, foot-and-mouth disease, or swine-fever, employ such additional inspectors, valuers, and other persons, and at such remuneration and may incur such expenses as, subject to the sanction of the Treasury, the Board think necessary; and all costs and expenses incurred under this section shall be paid by the Board out of the money standing to the Cattle Pleuro-pneumonia Account for Great Britain.

18. *Pleuro-pneumonia Account for Great Britain.* (1.) The account opened at the Bank of England under the provisions of section two of the Contagious Diseases (Animals) Pleuro-pneumonia Act, 1890 (and therein and in this Act referred to as the Cattle Pleuro-pneumonia Account for Great Britain), is hereby continued, and there shall be paid to the said account—

- (a.) such moneys (not exceeding one hundred and forty thousand pounds in any one year) as may be provided by Parliament towards defraying the costs incurred by the Board of Agriculture in the execution in Great Britain of the provisions of this Act relating to the slaughter of cattle, animals, or swine, on account of pleuro-pneumonia, foot-and-mouth disease, or swine-fever, and such other costs and expenses as are by this Act made payable out of the money standing to the Cattle Pleuro-pneumonia Account for Great Britain; and
- (b.) all sums received by the Board on the sale of the carcasses of cattle, animals, or swine slaughtered by the Board on account of pleuro-pneumonia, foot-and-mouth disease, or swine-fever, after deducting any amounts payable thereout as excess to the owners of the cattle, animals, or swine, under this Act.

Provided that of the money provided by Parliament for the Cattle Pleuro-pneumonia Accounts for Great Britain and Ireland not more than fifty thousand pounds shall be so provided for the costs of the execution of this Act as respects swine-fever in any one year.

(2.) If in any financial year the money standing to the Cattle Pleuro-pneumonia Account for Great Britain is insufficient to defray the costs and expenses by this Act made payable out of the money standing to the Cattle Pleuro-pneumonia Account for Great Britain, the Local Government Board and the Secretary for Scotland shall out of the Local Taxation Account and the Local Taxation (Scotland) Account respectively, pay to the Cattle Pleuro-pneumonia Account for Great Britain in the proportions provided in the Second Schedule to this Act such additional sums as may be certified by the Board of Agriculture to be required for defraying those costs and expenses.

(3.) The regulations contained in the Second Schedule to this Act shall apply to the Cattle Pleuro-pneumonia Account for Great Britain.

Slaughter in Disease, and Compensation generally.

19. *Power for Board of Agriculture to provide for slaughter in disease other than cattle plague.* The Board of Agriculture may make such orders as they think fit subject and according to the provisions of this Act for directing or authorizing, in case of the

existence or suspected existence of any disease other than cattle plague and under such conditions as the Board think fit to prescribe, the slaughter of animals by local authorities, either generally or in particular instances, and in all or any of such cases the payment of compensation for the same by local authorities out of the local rate; and the Board may by such orders direct or authorize the slaughter both of animals actually affected with disease, and also of animals suspected of disease, or being or having been in the same field, shed, or other place, or in the same herd or flock, or otherwise in contact, with animals affected with disease, or being or having been otherwise exposed to the infection thereof.

20. *General provisions relative to slaughter and compensation.* (1.) The Board of Agriculture may, notwithstanding anything in this Act, reserve for observation and treatment an animal liable to be slaughtered under this Act by order of the Board or of a local authority, but subject to payment of compensation by the Board or the local authority, as the case may be, as in case of actual slaughter.

(2.) Where an animal has been slaughtered under this Act by order of the Board or of a local authority, the carcass of the animal shall belong to the Board or to the local authority, as the case may be, and shall be buried, or sold, or otherwise disposed of by the Board or the local authority, or as they direct, as the condition of the animal or carcass and other circumstances may require or admit; and any money received by a local authority on any such sale shall be carried by them to the credit of the local rate.

(3.) If, in any case, the sum received by the Board or a local authority on sale of a carcass under this section exceeds the amount paid for compensation to the owner of the animal slaughtered, the Board or the local authority, as the case may be, shall pay that excess to the owner, after deducting reasonable expenses.

(4.) Where an animal has been slaughtered under this Act by order of the Board or of a local authority, the Board or the local authority, as the case may be, may use for the burial of the carcass any ground in the possession or occupation of the owner of the animal and suitable in that behalf, or any common or uninclosed land, but, as regards the use by a local authority of common or uninclosed land, not without the approval of the Board.

(5.) If the owner of an animal slaughtered under this Act by order of the Board or of a local authority has an insurance on the animal, the amount of the compensation awarded to him under this Act may be deducted by the insurers from the amount of the money payable under the insurance before they make any payment in respect thereof.

(6.) A local authority shall keep, in such manner as the Board by general order direct, a record relative to slaughter, which record shall be admitted in evidence.

(7.) Notwithstanding anything in this Act, the Board or a local authority, as the case may be, may, if they think fit, withhold, either wholly or partially, compensation or other payment in respect of an animal slaughtered under this Act by their respective order, where the owner or the person having charge thereof has, in the judgment of the Board or the local authority, as the case may be, been guilty, in relation to the animal, of an offence against this Act, or where the animal, being a foreign animal, was, in their judgment, diseased at the time of its landing.

Exceptional Powers for Transit, and in other Cases.

21. *Board of Agriculture to provide for pleuro-pneumonia or foot-and-mouth disease during transit, &c.*

(1.) The Board of Agriculture shall, by order, make such further or other provision as they think necessary or expedient respecting the case of animals found to be affected with pleuro-pneumonia or foot-and-mouth disease—

- (i) while exposed for sale or exhibited in a market, fair, sale-yard, place of exhibition, or other place; or
- (ii) while placed in a lair or other place before exposure for sale; or
- (iii) while in transit or in course of being moved by land or by water; or

- (iv) while in a foreign animals wharf or foreign animals quarantine station; or
- (v) while being in a slaughter-house or place where animals are slaughtered or are kept with a view to slaughter; or
- (vi) while being on common or uninclosed land; or
- (vii) generally, while being in a place not in the possession or occupation or under the control of the owner of the animals.

(2.) The Board shall, by orders under this section, make such provision as they think fit for the consequences under this Act of animals being so found in the circumstances aforesaid, as well with regard to the animals as with regard to the places where they are when so found and other places, and with regard to animals being or having been in the same shed or stable, herd or flock, or in contact, with animals so found.

(3.) The Board may, by orders under this section relating to particular places, make such provision as they think fit for the consequences aforesaid.

(4.) Every order under this section shall have full effect notwithstanding any provision of this Act requiring the declaration of a place infected with pleuro-pneumonia or foot-and-mouth disease or relating to any consequence thereof, or to any matter connected herewith, and notwithstanding any other provision whatsoever of this Act.

Disease and Movement, generally.

22. *Power for Board of Agriculture to make orders for prevention or checking of disease, and other purposes.* The Board of Agriculture may make such orders as they think fit, subject and according to the provisions of this Act, for the following purposes, or any of them:

- (i) for prescribing and regulating the publication by placards, handbills, or otherwise, in the immediate neighbourhood of a place or area declared infected, of the fact of such declaration;
- (ii) for prohibiting or regulating the movement of animals and persons into, within, or out of an infected place or area;
- (iii) for prescribing and regulating the isolation or separation of animals being in an infected place or area;
- (iv) for prohibiting or regulating the removal of carcasses, fodder, litter, utensils, pens, hurdles, dung, or other things into, within, or out of an infected place or area;
- (v) for prescribing and regulating the destruction, burial, disposal, or treatment of carcasses, fodder, litter, utensils, pens, hurdles, dung, or other things, being in an infected place or area, or removed thereout;
- (vi) for prescribing and regulating the cleansing and disinfection of infected places and areas, or parts thereof;
- (vii) for prescribing and regulating the disinfection of the clothes of persons coming in contact with or employed about diseased or suspected animals, or being in an infected place, and the use of precautions against the spreading of disease by such persons;
- (viii) for prohibiting or regulating the digging up of carcasses which have been buried;
- (ix) for prohibiting or regulating the exposure of diseased or suspected animals in markets or fairs or sale-yards, or other public or private places, where animals are commonly exposed for sale, and the placing thereof in lairs or other places adjacent to or connected with markets or fairs, or where animals are commonly placed before exposure for sale;
- (x) for prohibiting or regulating the sending or carrying of diseased or suspected animals, or of dung or other thing likely to spread disease, or the causing the same to be sent or carried, on railways, canals, rivers, or inland navigations, or in coasting vessels, or otherwise;
- (xi) for prohibiting or regulating the carrying, leading, or driving of diseased or suspected animals, or the causing them to be carried, led, or driven on highways or thoroughfares, or elsewhere;
- (xii) for prohibiting or regulating the placing or keeping of diseased or suspected animals on commons or uninclosed lands, or in fields or

- other places insufficiently fenced, or on the sides of highways;
- (xiii) for prescribing and regulating the seizure, detention, and disposal of a diseased or suspected animal exposed, carried, kept, or otherwise dealt with in contravention of an order of the Board; and for prescribing and regulating the liability of the owner or consignee or consignee of such animal to the expenses connected with the seizure, detention, and disposal thereof;
 - (xiv) for prescribing the mode of ascertainment of the value of an animal slaughtered, or liable to be slaughtered, by order of the Board or of a local authority;
 - (xv) for regulating applications for, and the mode of payment of, compensation to be paid out of money provided by Parliament;
 - (xvi) for prescribing and regulating the destruction, burial, disposal, or treatment of carcasses of animals slaughtered by order of the Board or of a local authority, or dying while diseased or suspected;
 - (xvii) for prohibiting or regulating the movement of animals, and the removal of carcasses, fodder, litter, dung, and other things, and for prescribing and regulating the isolation of animals newly purchased;
 - (xviii) for prescribing and regulating the issue and production of licences respecting movement and removal of animals and things;
 - (xix) for prohibiting or regulating the holding of markets, fairs, exhibitions, and sales of animals;
 - (xx) for prescribing and regulating the cleansing and disinfection of places used for the holding of markets, fairs, exhibitions, or sales of animals, or for lairage of animals, and yards, sheds, stables, and other places used for animals;
 - (xxi) for prescribing and regulating the cleansing and disinfection of vessels, vehicles, and pens and other places, used for the carrying of animals for hire or purposes connected therewith;
 - (xxii) for prescribing modes of cleansing and disinfection;
 - (xxiii) for prohibiting the conveyance of animals by any specified vessel to or from any port in the United Kingdom for such time as the Board may consider expedient;
 - (xxiv) for insuring for animals carried by sea a proper supply of food and water and proper ventilation during the passage and on landing;
 - (xxv) for protecting them from unnecessary suffering during the passage and on landing;
 - (xxvi) for protecting animals from unnecessary suffering during inland transit;
 - (xxvii) for securing a proper supply of water and food to animals during any detention thereof;
 - (xxviii) for prescribing and regulating the marking of animals;
 - (xxix) for prohibiting, absolutely or conditionally, the use, for the carrying of animals or for any purpose connected therewith, of a vessel, vehicle, or pen or other place in respect whereof, or of the use whereof, a penalty has been recovered from any person for an offence against this Act;
 - (xxx) for prescribing and regulating the muzzling of dogs, and the keeping of dogs under control;
 - (xxxi) for prescribing and regulating the seizure, detention, and disposal (including slaughter) of stray dogs and of dogs not muzzled, and of dogs not being kept under control, and the recovery from the owners of dogs of the expenses incurred in respect of their detention;
 - (xxxii) for prescribing and regulating the payment and recovery of expenses in respect of animals;
 - (xxxiii) for prescribing and regulating the form and mode of service or delivery of notices and other instruments;
 - (xxxiv) for authorizing a local authority to make regulations for any of the purposes of this Act or of an order of the Board subject to such conditions, if any, as the Board, for the purpose of securing uniformity and the due

execution of the provisions of this Act, think fit to prescribe;

- (xxxv) for extending, for all or any of the purposes of this Act, the definition of disease in this Act, so that the same shall for those purposes, or any of them, comprise any disease of animals in addition to the diseases mentioned in this Act;
- (xxxvi) for extending, for all or any of the purposes of this Act, the definition of animals in this Act, so that the same shall for those purposes or any of them comprise any kind of four-footed beasts, in addition to the animals mentioned in this Act; and
- (xxxvii) generally, for the better execution of this Act, or for the purpose of in any manner preventing the spreading of disease.

23. Provision of water and food at railway stations.]

(1.) Every railway company shall make a provision, to the satisfaction of the Board of Agriculture, of water and food, or either of them, at such stations as the Board, by general or specific description, direct, for animals carried, or about to be or having been carried, on the railway of the company.

(2.) The water and food so provided, or either of them, shall be supplied to any such animal by the company carrying it, on the request of the consignee or any person in charge thereof.

(3.) As regards water, if, in the case of any animal, such a request is not made, so that the animal remains without a supply of water for twenty-four consecutive hours, the consignee and the person in charge of the animal shall each be guilty of an offence against this Act; and it shall lie on the person charged to prove such a request and the time within which the animal had a supply of water.

(4.) But the Board may, if they think fit, by order prescribe any other period, not less than twelve hours, instead of the period of twenty-four hours aforesaid, generally, or in respect of any particular kind of animals.

(5.) The company supplying water or food under this section may make in respect thereof such reasonable charges (if any) as the Board by order approve, in addition to such charges as they are for the time being authorized to make in respect of the carriage of animals. The amount of those additional charges accrued due in respect of any animal shall be a debt from the consignee and from the consignee thereof to the company, and shall be recoverable by the company from either of them, with costs, by proceedings in any court of competent jurisdiction. The company shall have a lien for the amount thereof on the animal in respect whereof the same accrued due, and on any other animal at any time consigned by or to the same consignee or consignee to be carried by the company.

Foreign Animals.

24. Animals in the absence of any order to be slaughtered at port of landing.] The provisions set forth in Part I. (slaughter at port of landing) of the Third Schedule to this Act shall apply to all foreign animals other than—

- (a) foreign animals the landing of which is for the time being prohibited by order of the Board of Agriculture;
- (b) foreign animals the landing of which is allowed by order of the Board without being subject under the provisions of this Act to slaughter or quarantine; and
- (c) foreign animals intended for exhibition or other exceptional purposes, and the landing of which is allowed for the time being by the Board subject to the provisions of Part II. (quarantine) of the Third Schedule to this Act.

25. Orders prohibiting importation of animals.] The Board of Agriculture may, whenever they deem it expedient so to do, for the purpose of preventing the introduction of disease into the United Kingdom, make orders for prohibiting the landing of animals or of any specified kind thereof, or of carcasses, fodder, litter, dung, or other thing brought from any specified country out of the United Kingdom or any specified part of any such country, and they shall prohibit the landing of such animals whenever they are not satisfied with respect to any such country or any specified part

thereof, that having regard to the sanitary condition of the animals therein or imported therefrom, to the laws made by such country for the regulation of the importation and exportation of animals, and for the prevention of the introduction or spreading of disease, and to the administration of such laws, the circumstances are such as to afford reasonable security against the importation therefrom of animals affected with foot-and-mouth disease.

26. Orders admitting animals free without being subject to slaughter.] In relation to foreign animals other than those the landing whereof is for the time being prohibited by order of the Board of Agriculture, and other than those brought from the Channel Islands or the Isle of Man, if and so long as the Board are satisfied with respect to any country out of the United Kingdom or any specified part of such country that the laws thereof relating to the importation and exportation of animals, and to the prevention of the introduction or spreading of disease, and the general sanitary condition of animals therein, are such as to afford reasonable security against the importation therefrom of diseased animals, the Board, by order, shall allow animals, or any specified kind of animals brought from that country or such part to be landed without being subject to the provisions of the Third Schedule to this Act as to slaughter or quarantine, and may for that purpose alter or add to those provisions as the case may require.

Provided that the admission of such animals shall be subject to such regulations as to the route by which the animals are conveyed to this country, quarantine, or otherwise, as the Board of Agriculture may by order direct.

27. Orders admitting animals to quarantine.] Notwithstanding anything contained in this Act or in any order of the Board of Agriculture, the Board may make such orders as they think fit for allowing the landing of any foreign animals intended for exhibition, or for other exceptional purposes, and for allowing such animals to be landed without being subject to the provisions of Part I. (slaughter at port of landing) of the Third Schedule to this Act, and the provisions of Part II. (quarantine) of the said Schedule shall apply to any animals so allowed to be landed.

28. Special provisions as to Channel Islands and Isle of Man.] In relation to animals brought from the Channel Islands or the Isle of Man, the Board of Agriculture may, if they think fit, by order or by licence, alter or add to the provisions of the Third Schedule to this Act relating to slaughter or to quarantine, as the case may require.

29. Orders to be laid before Parliament.] Every order made in pursuance of this Act in relation to the landing or conveyance of foreign animals shall be forthwith laid before both Houses of Parliament.

30. Regulation of ports.] (1.) The Board of Agriculture may make such orders as they think fit, subject and according to the provisions of this Act, for the following purposes, or any of them:

- (i) for prescribing the ports at which alone foreign animals may be landed;
- (ii) for defining the limits of ports for the purposes of this Act;
- (iii) for defining parts of ports;
- (iv) for prohibiting or regulating the movement of animals into, within, or out of a defined part of a port;
- (v) for prescribing and regulating the inspection and examination, and the mode, time, and conditions of slaughter, of animals in a defined part of a port;
- (vi) for prescribing and regulating the disposal of animals, not being foreign animals, and being in a defined part of a port;
- (vii) for regulating the removal of carcasses, fodder, litter, utensils, dung, or other things into, within, or out of a defined part of a port, and the disposal thereof, when likely to introduce or spread disease;
- (viii) for prescribing and regulating the cleansing and disinfection of a defined part of a port or of parts thereof;
- (ix) for prescribing and regulating the disinfection or destruction of things being in a defined part of a port or removed therefrom;

- (x) for regulating the movement of persons into, within, or out of a defined part of a port;
 - (xi) for prescribing and regulating the disinfection of the clothes of persons employed or being in a defined part of a port, and the use of precautions against the introduction or spreading by them of disease;
 - (xii) for prescribing and regulating the seizure and detention of any foreign animal, carcass, fodder, litter, dung, or other thing whereby disease may be introduced or spread; and
 - (xiii) generally, for the better execution of this Act in relation to foreign animals, carcasses, fodder, litter, dung, or other things, or for the purpose of in any manner preventing the introduction or spreading thereby of disease.
- (2.) Notwithstanding anything in this Act, a defined part of a port, or any part thereof, shall not be declared to be an infected place, or be made part of an infected place, otherwise than by the Board.
- (3.) Where the district or part of a district of a local authority under this Act is or comprises, or is comprised in, a port or part of a port, the Board may, if they think fit, in relation to that port or part of a port, by order make any body, other than the body constituted the local authority by this Act for such district or part of a district, the local authority for the purposes of the provisions of this Act relating to foreign animals, and in connection with the local authority so made, prescribe the local rate, if any, and the clerk of the local authority.

General Provisions as to Local Authorities.

31. Committees of local authorities.] (1.) The provisions in the Fourth Schedule to this Act shall have effect with respect to committees of local authorities, but nothing therein contained shall prejudice or affect the power of a county council to delegate their powers to any committee or body under section twenty-eight of the Local Government Act, 1888 [51 & 52 Vict. c. 41].

(2.) Provided that the Board of Agriculture, in any order made by them under this Act for authorizing a local authority to make regulations, may direct that the power to make such regulations for any purpose specified in that behalf in the order shall be exercised only by the local authority or their executive committee, and shall not be deputed to any other committee nor to a sub-committee.

32. Provision of wharves, stations, lairs, &c.] (1.) A local authority may provide, erect, and fit up wharves, stations, lairs, sheds, and other places for the landing, reception, keeping, sale, slaughter, or disposal of foreign or other animals, carcasses, fodder, litter, dung, and other things.

(2.) There shall be incorporated with this Act the Markets and Fairs Clauses Act, 1847 [10 & 11 Vict. c. 14], except sections six to nine and fifty-one to sixty thereof.

(3.) A wharf or other place provided by a local authority under this section shall be a market within that Act; and this Act shall be the special Act; and the prescribed limits shall be the limits of lands acquired or appropriated for purposes of this section; and byelaws shall be approved by the Board of Agriculture, which approval shall be sufficient without any other approval or allowance, notice of application for approval being given, and proposed bye-laws being published before application, as required by the Markets and Fairs Clauses Act, 1847 [10 & 11 Vict. c. 14].

(4.) A local authority may charge for the use of a wharf or other place provided by them under this section such sums as may be imposed by bye-laws, and the same shall be deemed tolls authorized by the special Act.

(5.) All sums so received by the local authority shall be carried to a separate account, and shall be applied in payment of interest on money borrowed by them under the Contagious Diseases (Animals) Act, 1869 [32 & 33 Vict. c. 70], the Contagious Diseases (Animals) Act, 1878 to 1893, or this Act, and in repayment of the principal thereof, and, subject thereto, towards discharge of their expenses under this Act.

(6.) The local authority shall make such periodical returns to the Board of Agriculture of

their expenditure and receipts in respect of the wharf or other place as the Board require.

(7.) The Board, if satisfied on inquiry that the tolls taken by the local authority for the wharf or other place may properly be reduced, regard being had to the expenditure and receipts of the local authority in respect thereof, and to any money secured on the tolls, and to the other circumstances of the case, may require the local authority to submit to the Board, for their approval, a new schedule of tolls, and on failure of the local authority to do so to the satisfaction of the Board, may, by order, prescribe such tolls as the Board think fit, in lieu of those before approved by the Board.

(8.) The provisions of this section shall apply to a wharf or other place provided by a local authority under the Contagious Diseases (Animals) Act, 1869 [32 & 33 Vict. c. 70], or under the Contagious Diseases (Animals) Act, 1878 to 1893.

33. Power for local authority to acquire land.] (1.) A local authority may purchase, or may by agreement take on lease or at a rent, land for wharves or other places, or for use for burial of carcasses, in cases where there is not any ground suitable in that behalf in the possession or occupation of the owner of the animal, or any common or uninclosed land suitable and approved by the Board of Agriculture in that behalf, or for any other purpose of this Act.

(2.) The local authority may (subject to any agreement) dispose of lands so acquired but not required for the purposes of this Act, carrying the money produced thereby to the credit of the local rate.

(3.) The regulations contained in section one hundred and seventy-six of the Public Health Act, 1875 [38 & 39 Vict. c. 55], shall be observed with respect to the purchase of land by a local authority for purposes of this Act, as if the local authority were a local board, and purposes of this Act were purposes of that Act; provided that the requisite advertisements and notices may be published and served in any two consecutive months, and that the local rate shall be substituted for the rates therein mentioned.

(4.) The powers conferred by this section may be exercised by a local authority with respect to land within or without their district.

34. Proceedings in case of default of local authorities.]

(1.) Where a local authority fail to execute or enforce any of the provisions of this Act, or of an order of the Board of Agriculture, the Board may by order empower a person therein named to execute and enforce those provisions, or to procure the execution and enforcement thereof.

(2.) The expenses incurred under any such order or in respect of any such default by or on behalf of the Board, including compensation for animals slaughtered, shall be expenses of the local authority, and the treasurer or other proper officer of the local authority shall pay the amount of such expenses to the Board on demand, and in default of payment a person appointed by the Board to sue in that behalf, may recover the amount of such expenses, with costs, from the local authority.

(3.) For the purposes of this section an order of the Board shall be conclusive in respect of any default, amount of expenses, or other matter therein stated or appearing.

(4.) The provisions of this section shall be without prejudice to the right or power of the Board, or any other authority or any person, to take any other proceedings for requiring a local authority to execute or enforce any of the provisions of this Act, or of an order of the Board.

35. Inspectors and other officers of local authority.]

(1.) Every local authority shall appoint so many inspectors and other officers as the local authority think necessary for the execution and enforcement of this Act, and shall assign to those inspectors and officers such duties, and salaries or allowances, and may delegate to any of them such authorities and discretion, as to the local authority seem fit, and may at any time revoke any appointment so made.

(2.) Every local authority shall keep appointed at all times at least one veterinary inspector, and shall appoint and at all times keep appointed so many other veterinary inspectors as the Board of Agriculture, having regard to the extent and circumstances of the district of the local authority, direct.

(3.) The Board, on being satisfied on inquiry that an inspector of a local authority is incompetent, or has been guilty of misconduct or neglect, may, if they think fit, direct his removal, and thereupon he shall cease to be an inspector.

36. Reports to Board of Agriculture.] Every local authority and their inspectors and officers shall send and give to the Board of Agriculture such notices, reports, returns, and information as the Board require.

37. Orders and regulations of local authorities.] (1.) An order or regulation of a local authority may be proved—

(i.) by the production of a newspaper purporting to contain the order or regulation as an advertisement; or

(ii.) by the production of a copy of the order or regulation purporting to be certified by the clerk of the local authority as a true copy.

(2.) An order or regulation so proved shall be taken to have been duly made, unless and until the contrary is proved.

(3.) An order or regulation of a local authority authorized by this Act or by an order of the Board of Agriculture shall alone be deemed for the purposes of this Act an order or regulation of a local authority.

38. Powers of local authorities to be for their district.] The provisions of this Act conferring powers on, or otherwise relating to, a local authority, or their inspectors or officers, shall, unless otherwise expressed, be read as having reference to the district of the local authority; and powers thereby conferred shall, unless it is otherwise expressed, be exercisable and shall operate within and in relation to that district only.

39. Transfer of powers from one local authority to another, or formation of united district.]

(1.) Wherever the whole or any part of the district of any local authority is wholly surrounded by or has a common boundary with the district of any other local authority, those two local authorities may by agreement in writing between themselves make and vary and rescind provisions for the exercise by one of them (in this section referred to as the administering authority) of powers under this Act or any order of the Board of Agriculture within the whole or any part of the district of the other (in this section referred to as the surrendering authority) and for ascertaining the proportion of the expenses of the administering authority to be paid by the surrendering authority, such proportion to be fixed with reference to the rateable value of the part of the district of the surrendering authority surrendered to the administering authority as compared with the rateable value of the original area of the district of the administering authority.

(2.) The district or part of a district subjected, in pursuance of an agreement under this section, to the powers of the administering authority, shall, for the purpose of the exercise of such powers, be deemed to be part of the district of the administering authority, and be dealt with accordingly.

(3.) Any expenses payable by a surrendering authority to an administering authority under this section shall be paid out of the local rate of the surrendering authority.

(4.) Provided that where the surrendering authority is the local authority for a borough and the administering authority is the local authority for a county to the rate of which such borough is assessed, the provision of this Act requiring that the local authority of the borough shall be paid by the local authority of the county the proportionate amount paid by the several parishes or parts of parishes in the borough shall not apply.

(5.) A local authority may by agreement in writing concur with any other local authority or authorities in appointing out of their respective bodies a joint committee consisting of such number of members with such tenure of office as they may determine, and in assigning to the joint committee a district consisting of the whole or such parts of the districts of the constituent authorities as the authorities may determine, and in delegating to the joint committee within their district the whole or any part of the powers of a local authority, and the joint committee shall, in respect of any powers so assigned to them, exercise the same

powers and be subject to the same obligations, and this Act and any order of the Board shall, in respect of the district so assigned, take effect, as if such district were the district of a local authority and the joint committee were a local authority within the meaning of this Act.

(6.) All expenses incurred by the joint committee shall be apportioned among the component areas belonging to the different constituent authorities in proportion to the rateable values of such areas, as compared with each other, and shall be paid out of the local rates of the constituent authorities.

(7.) An agreement made under this section shall not be valid unless it has been approved by the Board.

(8.) The expression "powers" in this section shall not include the power of making or levying a rate, but shall include all other powers, duties, and obligations exercisable by or imposed on a local authority or its officers under or by this Act, or any order of the Board.

Expenses of Local Authorities.

40. *Expenses out of local rate.* (1.) The expenses of a local authority under this Act shall be defrayed out of the local rate; and such sums as may be necessary to defray those expenses shall be levied with and as part of the local rate.

(2.) The local rate in England and Wales shall be as follows:—

- (i) in the case of the local authority for a county, the county rate with the county fund;
- (ii) in the case of the local authority for the City of London, the consolidated rate; and
- (iii) in the case of the local authority for a borough, the borough rate with the borough fund.

(3.) Provided that the payment of the expenses of the local authority for the county of London, under this Act, shall be a general county purpose for which the parishes in the City of London shall be liable to be assessed to county contributions.

41. *Relief of boroughs from contribution to county expenses.* (1.) In England and Wales the council of a borough assessed to the county rate of a county shall be paid by the council of the county the proportionate amount paid by the several parishes and parts of parishes in the borough towards the expenses under this Act of the council of the county.

(2.) Nothing in this Act shall affect the exemption of any borough which had a separate court of quarter sessions at the date of the passing of the Local Government Act, 1888 [51 & 52 Vict. c. 41], from contributing towards the expenses under this Act of the council of the county within which the borough is situate.

42. *Power for local authority to borrow.* (1.) Where the amount or proportion of the local rate levied or required for the purposes of this Act exceeds or would exceed in any financial year sixpence in the pound, a local authority may borrow at interest on the credit of the local rate any money necessary for the purposes of this Act, and may secure the repayment thereof, with interest, by mortgaging the local rate for any term not exceeding seven years.

(2.) Where the amount or proportion aforesaid exceeds or would exceed in any financial year ninepence in the pound, the Local Government Board may, if they think fit, on application of the local authority, extend the term to any period not exceeding fourteen years.

(3.) A local authority, borrowing for the purposes of this section, shall borrow subject to the provisions of the Local Loans Act, 1875 [38 & 39 Vict. c. 88]; and every loan raised under this section shall be discharged in manner prescribed by section thirteen of that Act, for which purpose a sinking fund is hereby prescribed, if in any case the Local Government Board so direct, but not otherwise.

(4.) The Public Works Loan Commissioners may, on the recommendation of the Local Government Board, advance money to a local authority in manner provided by the Public Works Loans (Money) Act, 1875 [38 & 39 Vict. c. 58], and any enactment amending or substituted for that Act, the same to be repaid with interest, within the term aforesaid, and the local authority may so borrow accordingly.

(5.) A local authority, borrowing for any of the purposes of this Act, may, if they think fit, give as security, either with the local rate, if any, or separately therefrom, the charges which they are authorised to make for the use of a wharf or other place provided by them under this Act, and any estates, revenues, or funds belonging to them and not otherwise appropriated by law; and in that case the limitations in this section respecting the amount or proportion of rate and term of years shall not operate.

Police.

43. *Duties and authorities of constables.* (1.) The police force of each police area shall execute and enforce this Act and every order of the Board of Agriculture.

(2.) Where a person is seen or found committing, or is reasonably suspected of being engaged in committing, an offence against this Act, a constable may, without warrant, stop and detain him; and if his name and address are not known to the constable, and such person fails to give them to the satisfaction of the constable, the constable may, without warrant, apprehend him; and the constable may, whether so stopping or detaining or apprehending the person or not, stop, detain, and examine any animal, vehicle, boat, or thing to which the offence or suspected offence relates, and require the same to be forthwith taken back to or into any place or district wherefrom or whereout it was unlawfully removed, and execute and enforce that requisition.

(3.) If any person obstructs or impedes or assists to obstruct or impede a constable or other officer in the execution of this Act or of an order of the Board or of a regulation of a local authority, the constable or officer may without warrant apprehend the offender.

(4.) A person apprehended under this section shall be taken with all practicable speed before a justice, and shall not be detained without a warrant longer than is necessary for that purpose; and all enactments relating to the release of persons on recognizances taken by an officer of police or a constable shall apply in the case of a person apprehended under this section.

(5.) The foregoing provisions of this section respecting a constable extend and apply to any person called by a constable to his assistance.

(6.) A constable shall forthwith make a report in writing to his superior officer of every case in which he stops any person, animal, vehicle, boat, or thing under this section, and of his proceedings consequent thereon.

(7.) Nothing in this section shall take away or abridge any power or authority that a constable would have had if this section had not been enacted.

General Administrative Provisions.

44. *General powers of inspectors.* (1.) An inspector shall have, for the purposes of this Act, all the powers which a constable has, under this Act or otherwise, in the place where the inspector is acting.

(2.) An inspector may at any time enter any land or shed to which this Act applies, or other building or place wherein he has reasonable grounds for supposing—

- (a) that disease exists or has within fifty-six days existed; or
- (b) that the carcass of a diseased or suspected animal is or has been kept, or has been buried, destroyed, or otherwise disposed of; or
- (c) that there is to be found any pen, place, vehicle, or thing in respect whereof any person has on any occasion failed to comply with the provisions of this Act, or of an order of the Board of Agriculture, or of a regulation of a local authority; or
- (d) that this Act or an order of the Board or a regulation of a local authority has not been or is not being complied with.

(3.) An inspector may at any time enter any pen, vehicle, vessel, or boat in which or in respect whereof he has reasonable grounds for supposing that this Act or an order of the Board or a regulation of a local authority has not been or is not being complied with.

(4.) An inspector entering, as herein-before by this section authorised, shall, if required by the

owner, or occupier, or person in charge of the land, building, place, pen, vehicle, vessel, or boat, state in writing his reasons for entering.

(5.) A certificate of a veterinary inspector to the effect that an animal is or was affected with a disease specified in the certificate shall for the purposes of this Act be conclusive evidence in all courts of justice of the matter certified.

(6.) An inspector of the Board shall have all the powers of an inspector throughout England or that part thereof for which he is appointed, and in addition to the powers herein-before conferred upon inspectors, an inspector of the Board may at any time, for the purpose of ascertaining whether pleuro-pneumonia food-and-mouth disease or swine-fever exists, or has within fifty-six days existed, in any shed, land, or other place, enter such shed, land, or place.

45. *Power for detention of vessels.* (1.) Where an inspector of the Board of Agriculture is satisfied that this Act or an order of the Board or a regulation of a local authority has not been or is not being complied with on board a vessel in a port, then, on the representation in writing to that effect of the inspector, stating particulars of non-compliance, the vessel may be detained until the Board otherwise direct.

(2.) The officer detaining the vessel shall forthwith deliver to the master or person in charge of the vessel a copy of the representation.

(3.) Section six hundred and ninety-two of the Merchant Shipping Act, 1894 [57 & 58 Vict. c. 60], shall apply in the case of such detention as if it were authorised or ordered under that Act.

46. *Expenses of burial of carcasses washed ashore.* (1.) Where a carcass washed ashore is buried or destroyed under the direction of a receiver of wreck with authority from the Board of Trade, the expenses thereof shall be expenses of the local authority, and shall be paid by the local authority to the receiver on demand, and in default of payment shall be recoverable with costs by the receiver from the local authority.

(2.) Where a local authority has incurred any expenses under this section on account of the burial or destruction of the carcass of any animal which, or the carcass of which, was thrown or washed from any vessel, the owner of the vessel shall be liable to repay such expenses to the local authority; and the local authority may recover such expenses with costs in the same manner as salvage is recoverable.

47. *Exemption from stamp duty and fees.* No stamp duty shall be payable on, and no fee or other charge shall be demanded or made for, any appointment, certificate, declaration, licence, or thing under this Act, or an order of the Board of Agriculture, or a regulation of a local authority, or for any inspection or other act precedent to the granting, making, or doing of a certificate, declaration, licence, or other thing.

48. *Evidence and form and service of instruments.* (1.) In any proceeding under this Act, no proof shall be required of the appointment or handwriting of an inspector or other officer of the Board of Agriculture or of the clerk or an inspector or other officer of a local authority.

(2.) Every notice under this Act or under any order or regulation made under this Act must be in writing.

(3.) Any notice or other instrument under this Act or under an order of the Board or a regulation of a local authority may be served on the person to be affected thereby, either by the delivery thereof to him personally, or by the leaving thereof for him at his last known place of abode or business, or by the sending thereof through the post in a letter addressed to him there.

(4.) A notice or other instrument to be served on the occupier of any building, land, or place may, except when sent by post, be addressed to him by the designation of the occupier of that building, land, or place, without naming or further describing him; and where it is to be served on the several occupiers of several buildings, lands, or places, may, except when sent by post, be addressed to them collectively by the designation of the occupiers of those several buildings, lands, or places, without further naming or describing them, but separate copies thereof being served on them severally.

49 *Provisions respecting Orders of Board of Agriculture.*] (1.) The Board of Agriculture may alter or revoke any order of the Board.

(2.) Every order of the Board shall have effect as if it had been enacted by this Act.

(3.) The Board shall in the case of every order made by them under this Act, publish in the London Gazette a notice that the order has been made, and of the place where copies of the order may be obtained.

(4.) Every local authority shall at their own expense publish every order of the Board, and every licence, or other instrument sent to them by the Board for publication, in such manner as the Board direct, and, subject to and in the absence of any direction, by advertisement in a newspaper circulating in the district of the local authority.

(5.) The validity or effect of an order of the Board, licence, or other instrument issued by the Board shall not be affected by want of or defect or irregularity in any publication thereof.

50. *Yearly return to Parliament.*] The Board of Agriculture shall make and lay before both Houses of Parliament not later than the thirty-first day of March in each year, a return stating the proceedings and expenditure under this Act of the Board, and, as far as reasonably may be, of all local authorities, in the year ending the thirty-first day of December then last; and showing the number of foreign animals landed and found diseased in that year, specifying separately the different kinds of disease, and the ports of exportation and landing, and the mode of disposal of the animals; and containing such other information respecting the operation of this Act as the Board think fit.

Offences and Legal Proceedings.

51. *Penalties for offences.*] If any person is guilty of an offence against this Act, he shall for every such offence be liable—

- (i.) to a fine not exceeding twenty pounds; or
- (ii.) if the offence is committed with respect to more than four animals, to a fine not exceeding five pounds for each animal; or
- (iii.) where the offence is committed in relation to carcases, fodder, litter, dung, or other thing (exclusive of animals), to a fine not exceeding ten pounds in respect of every half ton in weight thereof after one half ton, in addition to the first fine of not exceeding twenty pounds.

52. *General offences.*] If any person, without lawful authority or excuse, proof whereof shall lie on him, does any of the following things, he shall be guilty of an offence against this Act:

- (i) if he does anything in contravention of this Act, or of an order of the Board of Agriculture, or of a regulation of a local authority; or
- (ii) if, where required by this Act or by an order of the Board to keep an animal separate as far as practicable, or to give notice of disease with all practicable speed, he fails to do so; or
- (iii) if he fails to give, produce, observe, or do any notice, licence, rule, or thing which by this Act, or by an order of the Board, or by a regulation of a local authority, he is required to give, produce, observe, or do; or
- (iv) if he does anything which by this Act or an order of the Board is made or declared to be not lawful; or
- (v) if he does or omits anything, the doing or omission whereof is declared by this Act or by an order of the Board to be an offence by him against this Act; or
- (vi) if he refuses to an inspector or other officer, acting in execution of this Act, or of an order of the Board, or of a regulation of a local authority, admission to any land, building, place, vessel, pen, vehicle, or boat which the inspector or officer is entitled to enter or examine, or obstructs or impedes him in so entering or examining, or otherwise in any respect obstructs or impedes an inspector or constable or other officer in the execution of his duty, or assists in any such obstructing or impeding; or
- (vii) if he throws or places, or causes or suffers to be thrown or placed, into or in any river, stream, canal, navigation, or other water, or

into or in the sea within three miles of the shore, the carcase of an animal which has died of disease, or been slaughtered as diseased or suspected;

and on a further conviction within a period of twelve months for a second or subsequent offence against the same sub-section of this section he shall be liable, in the discretion of the court, to be imprisoned for any term not exceeding one month, with or without hard labour, in lieu of the fine to which he is liable under this Act.

53. *Imprisonment instead of fine for use of expired licences, digging up of carcases, and other specified offences.*] (1.) If any person does any of the following things, he shall be guilty of an offence against this Act:

- (i) if, with intent to unlawfully evade this Act, or an order of the Board of Agriculture, or a regulation of a local authority, he does anything for which a licence is requisite under this Act, or an order of the Board, or a regulation of a local authority, without having obtained a licence; or
- (ii) if, where a licence is requisite, having obtained a licence, he, with the like intent, does the thing licensed after the licence has expired; or
- (iii) if he uses or offers or attempts to use as such a licence an instrument not being a complete licence, or an instrument untrue purporting or appearing to be a licence, unless he shews to the satisfaction of the court that he did not know of that incompleteness or untruth, and that he could not with reasonable diligence have obtained knowledge thereof; or
- (iv) if, with intent to unlawfully evade this Act, or an order of the Board of Agriculture, or a regulation of a local authority, he alters, or falsely makes, or ante-dates, or counterfeits, or offers or utters, knowing the same to be altered, or falsely made, or ante-dated, or counterfeited, a licence, declaration, certificate, or instrument made or issued, or purporting to be made or issued, under or for any purpose of this Act, or of an order of the Board or of a regulation of a local authority; or
- (v) if, for the purpose of obtaining a licence, certificate, or instrument, he makes a declaration or statement false in any material particular, unless he shews to the satisfaction of the court that he did not know of that falsity, and that he could not with reasonable diligence have obtained knowledge thereof; or
- (vi) if he obtains or endeavours to obtain such a licence, certificate, or instrument by means of a false pretence, unless he shews to the satisfaction of the court that he did not know of that falsity, and that he could not with reasonable diligence have obtained knowledge thereof; or
- (vii) if he grants or issues such a licence, certificate, or instrument, being false in any date or other material particular, unless he shews to the satisfaction of the court that he did not know of that falsity, and that he could not with reasonable diligence have obtained knowledge thereof, or if he grants or issues such a licence, certificate, or instrument, having, and knowing that he has, no lawful authority to grant or issue the same; or
- (viii) if, with intent to unlawfully evade or defeat this Act, or an order of the Board, or a regulation of a local authority, he grants or issues an instrument being in form a licence, certificate, or instrument made or issued under this Act or an order of the Board or a regulation of a local authority, for permitting or regulating the movement of a particular animal, or the doing of any other particular thing, but being issued in blank, that is to say, not being before the issue thereof so filled up as to specify any particular animal or thing; or
- (ix) if he uses or offers or attempts to use for any purpose of this Act, or of an order of the Board, or of a regulation of a local authority, an instrument so issued in blank, unless he shews to the satisfaction of the court that he

did not know of it having been so issued in blank, and that he could not with reasonable diligence have obtained knowledge thereof; or

- (x) if he by means of any fraud or false pretence obtains, or attempts to obtain, compensation from the Board or a local authority in respect of an animal slaughtered, or aids or abets any person in any such fraud or false pretence; or
 - (xi) if, without lawful authority or excuse, proof whereof shall lie on him, he digs up, or causes to be dug up, a carcase buried under the direction of the Board or of a local authority or of a receiver of wreck; or
 - (xii) if, where the Board has by order prohibited, absolutely or conditionally, the use for the carrying of animals, or for any purpose connected therewith, of a vessel, vehicle, or pen, or other place, he, without lawful authority or excuse, proof whereof shall lie on him, does anything so prohibited;
- (2.) And in every case in this section specified he shall be liable, on conviction, in the discretion of the court, to be imprisoned for any term not exceeding two months, with or without hard labour, in lieu of the fine to which he is liable under this Act.

54. *Proceedings in court of summary jurisdiction.*] Any offence against this Act may be prosecuted, and any fine in respect thereof may be recovered, and any money by this Act or an order of the Board of Agriculture made recoverable summarily may be recovered, and any summary orders under this Act or an order of the Board may be made in manner provided by the Summary Jurisdiction Acts; but nothing in this section shall apply to proceedings under the Customs Acts.

55. *Appeal.*] If any person thinks himself aggrieved by the dismissal of a complaint by, or by any determination or adjudication of, a court of summary jurisdiction under this Act, he may appeal therefrom to a court of quarter sessions.

56. *Proceedings under Customs Acts for unlawful landing or shipping.*] (1.) If any person lands or ships or attempts to land or ship an animal or thing in contravention of this Act or of an order of the Board of Agriculture, he shall be liable, under and according to the Customs Acts, to the penalties imposed on persons importing or exporting or attempting to import or export goods the importation or exportation whereof is prohibited by or under the Customs Acts, without prejudice to any proceeding against him under this Act for an offence against this Act.

(2.) The animal or thing in respect whereof the offence is committed shall be forfeited under and according to the Customs Acts in like manner as goods the importation whereof is prohibited by or under the Customs Acts.

57. *General provision as to procedure.*] (1.) Where the owner or person in charge of an animal is charged with an offence against this Act relative to disease or to any illness of the animal, he shall be presumed to have known of the existence of the disease or illness unless and until he shews to the satisfaction of the court that he had not knowledge thereof, and could not with reasonable diligence have obtained that knowledge.

(2.) Where a person is charged with an offence against this Act in not having duly cleansed or disinfected any place, vessel, vehicle, or thing belonging to him or under his charge, and a presumption against him on the part of the prosecution is raised, it shall lie on him to prove the due cleansing and disinfection thereof.

(3.) A person charged with an offence against this Act may, if he thinks fit, tender himself to be examined on his own behalf, and thereupon he may give evidence in the same manner and with the like effect and consequences as any other witness.

(4.) Every offence against this Act shall be deemed to have been committed, and every cause of complaint or matter for summary proceeding under this Act or an order of the Board of Agriculture or regulation of a local authority shall be deemed to have arisen, either in any place where the same actually was committed or arose, or in any place where the person charged or complained

of or proceeded against happens to be at the time of the institution or commencement of the charge, complaint, or proceeding.

(5.) Notwithstanding anything in any Act relating to the metropolitan police or to municipal corporations or in any other Act, such part not exceeding one half of every fine or forfeiture recovered under this Act (except in proceedings under the Customs Acts) as the court before which it is recovered thinks fit, shall be paid to the person who proceeds for the same, and the residue thereof shall be applied as if this section had not been enacted.

Miscellaneous.

58. *Local authority and local rate in Hove.* Notwithstanding anything in this Act the Hove Improvement Act Commissioners shall be the local authority for the Improvement Act District of Hove, and the local rate for that district shall be the rate applicable by the Commissioners to the maintenance of the police, and this Act shall apply to that district as if it were a borough and as if the said Commissioners were the council of the borough.

59. *Interpretation and construction.* (1.) In this Act, unless the context otherwise requires, the following terms have the meanings herein-after respectively assigned to them, that is to say:

the expression "cattle" means bulls, cows, oxen, heifers, and calves:

the expression "animals" means, except where it is otherwise expressed, cattle, sheep, and goats, and all other ruminating animals, and swine:

the expression "disease" means cattle plague (that is to say, rinderpest, or the disease commonly called cattle plague), contagious pleuro-pneumonia of cattle (in this Act called pleuro-pneumonia), foot-and-mouth disease, sheep-pox, sheep-scab, or swine-fever (that is to say, the disease known as typhoid fever of swine, soldier purples, red disease, hog-cholera or swine-plague):

the expression "diseased" means affected with disease:

the expression "suspected" means suspected of being diseased:

the expression "carcase" means the carcase of an animal, and includes part of a carcase, and the meat, bones, hide, skin, hoofs, horns, offal, or other part of an animal, separately or otherwise, or any portion thereof:

the expression "fodder" means hay or other substance commonly used for food of animals:

the expression "litter" means straw or other substance commonly used for bedding or otherwise for or about animals:

the expression "foreign," applied to animals and things, means brought to the United Kingdom from a country out of the United Kingdom:

the expression "inspector of the Board of Agriculture" or "inspector of a local authority" means a person appointed to be an inspector for purposes of this Act by the Privy Council or the Board of Agriculture, or by a local authority, as the case may be; and the expression "inspector," used alone, means such a person, by whichever authority appointed:

the expression "veterinary inspector" means an inspector being a member of the Royal College of Veterinary Surgeons, or any veterinary practitioner qualified as approved by the Board of Agriculture:

the expressions "police area" and "police force" with respect to the City of London mean the said city and the police thereof, and with respect to any other place have the same meaning as in the Police Act, 1890 [53 & 54 Vict. c. 45].

the expression "district," when used with reference to a local authority, means the area for which the local authority exercises powers under this Act:

the expression "the Customs Acts" means the Customs Consolidation Act, 1876 [39 & 40 Vict. c. 36], and any enactment amending or substituted for that Act:

the expression "justice" means justice of the peace:

the expression "railway company" includes a company or person working a railway under lease or otherwise:

the expression "Order of Council" means an Order of the Privy Council under the Contagious Diseases (Animals) Acts, 1875 to 1886:

the expression "order of the Board of Agriculture" means an order made by the Board of Agriculture under this Act or under any enactment by this Act repealed.

(2.) In the computation of time for purposes of this Act, a period reckoned by days from the happening of an event or the doing of an act or thing shall be deemed to be exclusive of the day on which the event happens or the act or thing is done.

Special Provisions as to Scotland.

60. *Local authority and local rate in Scotland.* In the application of this Act to Scotland:

(1.) The local authority and the local rate shall respectively be—

(a) for each burgh not being a burgh to which section fourteen of the Local Government (Scotland) Act, 1889, applies, the magistrates and town council, and a rate to be levied equally upon owners and occupiers within the burgh; and

(b.) for each county and any burgh to which section fourteen of the Local Government (Scotland) Act, 1889, applies, and any royal burgh which does not return or contribute to return a member to Parliament, the county council, and a rate within the county to be levied equally upon owners and occupiers as an item of the consolidated county rates, and within such burghs and royal burghs to be ascertained, fixed, and paid, to the county council as provided by the Local Government (Scotland) Act, 1889.

(2.) The expression "county" means a county as defined by the Local Government (Scotland) Act, 1889 [52 & 53 Vict. c. 50];

(3.) the expression "burgh" means a burgh which returns or contributes to return a member to Parliament;

(4.) the expressions "police area" and "police force" have the same meaning as in the Police (Scotland) Act, 1890 [53 & 54 Vict. c. 67].

(5.) "Value according to the valuation roll" shall be substituted for "rateable value";

(6.) With respect to the delegation of powers by a county council section seventy-three of the Local Government (Scotland) Act, 1889 [52 & 53 Vict. c. 50], shall be substituted for section twenty-eight of the Local Government Act, 1888 [51 & 52 Vict. c. 41]; and

(7.) All deeds made or granted by a local authority under this Act shall in addition to being sealed be signed by two members of the local authority and by the clerk of the local authority.

61. *Purchase of land in Scotland.* The provisions of this Act relating to the purchase of land shall have effect with respect to Scotland as if section ninety of the Public Health (Scotland) Act, 1867 [30 & 31 Vict. c. 101], were thereby applied, instead of section one hundred and seventy-six of the Public Health Act, 1875 [38 & 39 Vict. c. 55]; and in the said section ninety the local authority and local rate under this Act shall be substituted for the local authority and the assessment therein mentioned.

62. *Provisions as to borrowing by local authority in Scotland.* The provisions of this Act relating to borrowing by local authorities shall, as regards Scotland, be modified as follows:

(i) those provisions shall have reference to the amount only of the local rate, and not to the proportion thereof;

(ii) the Secretary for Scotland shall be substituted for the Local Government Board; and

(iii) borrowing by a local authority shall not be subject to the provisions of the Local Loans Act, 1875 [38 & 39 Vict. c. 83]; and in

lieu thereof, as regards borrowing by local authorities of counties the provisions of the Local Government (Scotland) Act, 1889, shall apply, and as regards borrowing by local authorities of burghs the provisions of the Commissioners Clauses Act, 1847 [10 & 11 Vict. c. 16], with respect to the mortgages to be executed by the Commissioners, shall be deemed to have been incorporated with this Act, the local authority being deemed to be the commissioners; and any mortgagee or assignee may enforce payment of his principal and interest by appointment of a judicial factor.

63. *Powers and qualifications of inspectors in Scotland.*

64. *Legal proceedings in Scotland.*

Special Provisions as to Ireland.

65. *Powers of Lord Lieutenant and Privy Council.*

66. *Communication of Orders from and to Ireland.*

67. *Provision as to local authorities lands and borrowing in Ireland.*

68. *Provisions respecting officers of local authorities in Ireland.*

69. *Qualifications and powers of inspectors in Ireland.*

70. *Expenses of local authorities in Ireland.*

71. *General Cattle Diseases Fund for Ireland.*

72. *Application of General Cattle Diseases Fund.*

73. *Expenses of Lord Lieutenant in case of slaughter for pleuro-pneumonia, foot-and-mouth disease, or swine-fever.*

74. *Police in Ireland.*

75. *Recovery of penalties and summary proceedings in Ireland.*

76. *Publication and proof of Orders in Council in Ireland.*

77. *Expenses of Veterinary Department in Ireland.*

Supplemental.

78. *Repeal of enactments in Schedule.* (1.) The Acts specified in the Fifth Schedule to this Act are hereby repealed to the extent specified in the third column to that schedule.

(2.) Notwithstanding such repeal, every Order of Council and in Council, and every order of the Board of Agriculture, or regulation of a local authority made, and every licence granted, and every committee or sub-committee constituted, and every inspector appointed, under any of the enactments repealed, shall continue and be as if this Act had not been passed; but so that the same may be revoked, altered, cancelled, or otherwise dealt with under this Act, as if it had been made, done, or granted under this Act.

79. *Short title.* This Act may be cited as the Diseases of Animals Act, 1894.

SCHEDULES.

THE FIRST SCHEDULE.

[Section 11.]

PART I.

Pleuro-Pneumonia.

1. Cattle shall not be moved into or out of a place infected with pleuro-pneumonia, except where, as regards movement into such a place, the cattle are affected with pleuro-pneumonia, and except in such other cases as the Board of Agriculture think fit by order to except.

2. In the cases so excepted by order cattle may be moved into or out of an infected place on conditions prescribed by order of the Board, and not otherwise.

3. Cattle may be moved into, within, or out of such parts of an area infected with pleuro-pneumonia as are not comprised in a place infected with pleuro-pneumonia, by licence of the local authority, granted on conditions prescribed by order of the Board, and not otherwise.

PART II.

Foot-and-Mouth Disease.

1. Animals shall not be moved into or out of a

place infected with foot-and-mouth disease except where, as regards movement into such a place, the animals are affected with foot-and-mouth disease, and except in such other cases as the Board of Agriculture think fit by order to except.

2. In the cases so excepted by order animals may be moved into or out of an infected place on conditions prescribed by order of the Board, and not otherwise.

3. Animals may be moved into, within, or out of such parts of an area infected with foot-and-mouth disease as are not comprised in a place infected with foot-and-mouth disease, by licence of the local authority, granted on conditions prescribed by order of the Board, and not otherwise.

THE SECOND SCHEDULE.

[Sections 18, 73.]

REGULATIONS AS TO CATTLE PLEURO-PNEUMONIA ACCOUNTS.

1. Notwithstanding anything in this Act the moneys provided by Parliament towards defraying the cost of the execution of the provisions of this Act relating to the slaughter by the Board of Agriculture or the Lord Lieutenant and Privy Council of cattle, animals, or swine, on account of pleuro-pneumonia, foot-and-mouth disease, or swine-fever, may be apportioned between Great Britain and Ireland in such manner as the Treasury in communication with the Board and the Lord Lieutenant may direct.

2. At the end of every financial year, accounts of the receipts and expenditure of the Cattle Pleuro-pneumonia Account for Great Britain and the Cattle Pleuro-pneumonia Account for Ireland shall be made up in such form and with such particulars as may be directed by the Treasury, and such accounts shall be audited by the Comptroller and Auditor-General as public accounts in accordance with such regulations as the Treasury may make, and shall be laid before Parliament, together with his report thereon.

3. If at the end of any financial year the Treasury, after communication with the Board of Agriculture, or the Lord Lieutenant and Privy Council, as the case may be, are satisfied that the balance standing to the credit of either of the said Cattle Pleuro-pneumonia Accounts, or any part of such balance, will not be required for the purposes of this Act, they may—

(a) in the case of the Cattle Pleuro-pneumonia Account for Great Britain direct such balance or part to be paid in the proportions provided by this Schedule into the Local Taxation Account and the Local Taxation (Scotland) Account, in repayment of any sums which have been paid to the Cattle Pleuro-pneumonia Account out of the said Local Taxation Accounts; and

(b) in the case of the Cattle Pleuro-pneumonia Account for Ireland, direct such balance or part to be paid into the general account of the General Cattle Diseases Fund in repayment of any sums which have been paid out of the said general account for any of the purposes to which the Cattle Pleuro-pneumonia Account is by this Act applicable;

and in either case the Treasury may direct any balance or part which may not be required for such repayment to be paid into the Exchequer.

4. The proportions in which any sum is to be paid out of or into the Local Taxation Account and the Local Taxation (Scotland) Account under this Act shall be eighty-eight per centum of such sum out of or into the Local Taxation Account, and twelve per centum out of or into the Local Taxation (Scotland) Account.

5. All money paid under this Act out of or into the Local Taxation Account shall in account be charged against or credited to the proceeds of the probate duty.

6. All moneys paid under this Act out of or into the Local Taxation (Scotland) Account shall in account be charged against or credited to the residue of the Scotch share of the local taxation (customs and excise) duties in manner provided by section two of the Local Taxation (Customs and Excise) Act, 1890 [53 & 54 Vict. c. 60].

7. Payments out of or into the said Cattle Pleuro-

pneumonia Accounts, and all other matters relating to the accounts and to the moneys standing to the credit of the accounts shall be made and regulated in such manner as the Treasury direct.

THE THIRD SCHEDULE.

[Sections 24, 26, 27.]

FOREIGN ANIMALS.

PART I.

Slaughter at Port of Landing.

1. The animals shall be landed only at a part of a port defined for that purpose by order of the Board of Agriculture, to be called a foreign animals wharf.

2. The animals shall be landed in such manner, at such times, and subject to such supervision and control as the Commissioners of Customs direct.

3. The animals shall not be moved alive out of the wharf.

PART II.

Quarantine.

1. The animals shall be landed only at a part of a port defined for that purpose by order of the Board of Agriculture, to be called a foreign animals quarantine station.

2. The animals shall be landed in such manner, at such times, and subject to such supervision and control as the Commissioners of Customs direct, and subject to such conditions in respect of the animals, or of the vessel from which they are landed, as the Board by order prescribe.

3. When landed the animals shall be placed in sheds or other receptacles in the quarantine station, prepared by the local authority or the owners of the quarantine station, or the consignees of animals, or other persons, and approved by the Board.

4. The animals shall not be moved out of the quarantine station except on conditions prescribed by order of the Board.

5. Notwithstanding anything in the foregoing provisions of this part of this Schedule the provisions of this Act relating to slaughter in case of the existence of disease, and to compensation or other payment in respect of animals so slaughtered, and to the ownership of carcasses of such animals, shall apply to animals within a foreign animals quarantine station.

THE FOURTH SCHEDULE.

[Section 30.]

COMMITTEES OF LOCAL AUTHORITIES.

1. Every local authority shall form and keep up a committee or committees, and may appoint the number of members by whom the powers of a committee may be exercised, and may at any time add to or diminish the number of the members of a committee, or otherwise alter the constitution thereof, and fill up or provide for the filling up of vacancies therein, or revoke the appointment thereof and appoint another committee or committees, and lay down rules for the guidance of a committee, who shall act accordingly.

2. A committee may consist wholly of members of the local authority or partly thereof, and partly of other persons, being rated occupiers in the district of the local authority, and otherwise qualified, as the local authority think fit.

3. A local authority may except in so far as it is otherwise provided by order of the Board of Agriculture delegate all or any of their powers, except the power to make a rate, to a committee, with or without conditions or restrictions.

(4.) A local authority may revoke or alter any power given by them to a committee.

(5.) A local authority may, if they think fit, appoint and designate one committee as their executive committee.

6. An executive committee shall have all the powers of the local authority, except the power to make a rate, and may, if they think fit, appoint a sub-committee or sub-committees, and delegate to them [except in so far as it is otherwise provided by order of the Board] all or any of the powers of the executive committee, with or without conditions or restrictions, and revoke or alter any such delegation, and appoint the number of members by

whom the powers of a sub-committee may be exercised, and add to or diminish the number of the members of a sub-committee, or otherwise alter the constitution thereof, and fill up or provide for the filling up of vacancies therein, or revoke the appointment thereof and appoint another sub-committee or other sub-committees, and lay down rules for the guidance of a sub-committee who shall act accordingly.

7. Proceedings of a committee or sub-committee shall not be invalidated by any vacancy in the committee or sub-committee.

8. In case of the formation of two or more committees, they shall act according to rules laid down for their guidance by the local authority.

9. A committee, and a sub-committee of an executive committee, may elect a chairman of their meetings.

10. If no chairman is elected, or if the chairman so elected is not present at the time appointed for a meeting, the members then present shall choose a chairman for that meeting.

11. A committee or sub-committee may meet and adjourn as they think proper.

12. Every question at a meeting of a committee or sub-committee shall be determined by a majority of the votes of the members, including the chairman, present and voting on the question; and in case of equal division, the chairman shall have a second vote.

THE FIFTH SCHEDULE.

[Section 78.]

ENACTMENTS REPEALED.

Session and Chapter.	Title or Short Title.	Extent of Repeal.
41 & 42 Vict. c. 74	The Contagious Diseases (Animals) Act, 1878.	The whole Act, except section thirty-four.
47 & 48 Vict. c. 13	The Contagious Diseases (Animals) Act, 1884.	The whole Act.
47 & 48 Vict. c. 47	The Contagious Diseases (Animals) Transfer of Parts of Districts Act, 1884.	The whole Act.
49 & 50 Vict. c. 32	The Contagious Diseases (Animals) Act, 1886.	The whole Act, except section nine.
52 & 53 Vict. c. 30	The Board of Agriculture Act, 1889.	Section three.
53 & 54 Vict. c. 14	The Contagious Diseases (Animals) (Pleuro-pneumonia) Act, 1890.	The whole Act.
55 & 56 Vict. c. 47	The Contagious Diseases (Animals) Act, 1892.	The whole Act.
56 & 57 Vict. c. 43	The Contagious Diseases (Animals) Act, 1893.	The whole Act.

CHAPTER 58.

[Local Government (Scotland) Act, 1894.]

An Act to establish a Local Government Board for Scotland, and make further provision for Local Government in Scotland, and for other purposes. [25th August 1894.]

CHAPTER 59.

[Appropriation Act, 1894.]

An Act to apply a sum out of the Consolidated Fund to the service of the year ending on the thirty-first day of March one thousand eight hundred and ninety-five, and to appropriate the Supplies granted in this Session of Parliament. [25th August 1894.]

CHAPTER 60.

[Merchant Shipping Act, 1894.]

An Act to consolidate Enactments relating to Merchant Shipping. [25th August 1894.]

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